

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 6000 of 2014
DECIDED ON: MAY 13, 2019

KAMLA DEVI & ORS

.....APPELLANTS

VERSUS

AMAN SINGH & ORS

.....RESPONDENTS

AND

2.

FAO No. 6247 of 2014

SURINDER

.....APPELLANT

VERSUS

AMAN SINGH & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ajit Malik, Advocate
for the appellants.

Mr. Akashdeep Singh, Advocate
for respondent No.1.

Mr. Naveen Chopra, Advocate
for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

Aggrieved of the award dated 22.03.2014 passed by the Motor Accident Claims Tribunal, Panipat (for brevity 'the Tribunal') under Section 166 of the Motor Vehicles Act, 1988 (for short the 'Act') in MACT Case Nos. 73 and 74 of 2012, the legal representatives of Shri Bhagwan and Surinder-injured have filed two separate claim petitions bearing FAO Nos. 6000 and 6247 of 2014. As both the appeals arise out of same accident and one award, these are being disposed of vide common order.

The facts emanating from the record are that on 10.09.2011, Shri Bhagwan alongwith Surinder was going to Joundhan Khurd on two wheeler bearing registration No. HR-06-W-9101. The two wheeler was being driven by Shri Bhagwan. They were being followed by Satyawar. When they reached near village Dahar, the two wheeler was hit by a Santro car bearing temporary registration No. HR-99-JY-Temp-8843. As a result of the impact, both the riders i.e. Shri Bhagwan and Surinder sustained injuries. Shri Bhagwan succumbed to the injuries. FIR No. 240, dated 11.09.2011 was registered at Police Station Israna, Panipat on the statement of Satyawar. In the FIR it was mentioned that the accident was caused by a vehicle bearing registration No. HR-12TC-193.

In the claim proceedings it was alleged that the offending vehicle was a Santro car bearing registration No. HR-99-JY-Temp-8843. Satyawar, who was the eye witness deposed before the Tribunal as PW-1. He made a statement that the accident was caused by the alleged Santro car. However, in the FIR, the registration number of the vehicle was recorded as HR-12TC-193.

Surinder, who was injured in the accident appeared before the Tribunal as PW-4 and deposed that he had not seen the registration number of the vehicle, he simply deposed that the offending car was of white colour. The Tribunal dismissed the claim petition that two different registration numbers have been mentioned and there is no proof of involvement of the offending vehicle.

From the perusal of the record it is evident that in the FIR, number of vehicle was mentioned as HR-12TC-193 and the challan was submitted against the driver of the said vehicle but in the mechanical report, the registration number was mentioned as HR-99-JY-Temp-8843. In the proceedings under Section 166 of the Act, the onus is not as heavy as in the criminal proceedings. In the present case, two different registration numbers have been mentioned. Both the numbers are not permanent registration numbers, one is the temporary and another is trade certificate number issued to the dealer. The possibility cannot be ruled out that the same vehicle may be having both the afore-said numbers. The said aspect has not been considered by the Tribunal.

The matter is remitted back to the Tribunal to decide the issue afresh after providing opportunity to the parties.

Parties are directed to appear before the Tribunal on 30.07.2019.

Both the appeals are disposed, in view of the afore-said terms.

MAY 13, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***No***