

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

FAO 6234 of 2015 (O&M)
Date of decision: 05.02.2019

Premo Devi

...Appellant

versus

Charan Singh and others

..Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Ashish Panuu, Advocate
for the appellant

-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 28.08.2014 passed by the Motor Accidents Claims Tribunal, Sonipat (in short, 'the Tribunal') whereby application for grant of compensation in respect of death of Umed Singh in a motor vehicular accident that took place on 21.06.2012 has been dismissed on the basis of findings on issue No.1.

The first information report was lodged on 07.07.2012 in respect of occurrence that took place on 21.06.2012 and Ashok Kumar son of Umed Singh is the author of FIR .

Counsel for the appellant has fairly informed that Ashok Kumar, in his cross examination, would depose that he is not an eye witness to the occurrence, as has been noticed by the Tribunal in para 13 of the award. He would further inform the Court that the criminal trial has culminated in judgment of acquittal as no witness was examined by the

prosecution to prove that occurrence took place due to rash and negligent driving of the offending vehicle.

Indisputably, application for compensation has been filed under Section 166 of the Motor Vehicles Act, 1988 wherein proving rash and negligent driving of offending vehicle is *sine qua non* for maintaining a claim under the said provision. In this view of the matter, I do not find an error much less illegality in findings of the Tribunal on issue No. 1 and consequently, the claim application having been dismissed.

For the foregoing reasons, findings no merit, the petition fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

05.02.2019
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