

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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FAO-5595-2016 (O&M)
Date of decision: 29.08.2019

MANJIT KAUR AND ORS

... Appellants

Versus

MANDEEP SINGH ALIAS BILLA AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashish Aggarwal, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 01.04.2016 passed by the Motor Accidents Claims Tribunal, Amritsar whereby application for grant of compensation has been dismissed in view of findings of the Tribunal on issue No.1.

Counsel for the appellants would argue that though initially FIR No.114 dated 11.10.2014 was registered under Sections 302, 304-A/279 IPC but on due investigation of the FIR, challan was presented under Section 304-A IPC. It is further argued that as driver and owner of offending vehicle faced trial under Section 304-A IPC, the Tribunal has wrongly answered issue No.1 against the claimants.

The Tribunal, in para 13 of the award, has taken note of testimony of Soma, mother of the deceased, author of FIR No.114 dated 11.10.2014. It has been noticed that Soma in her cross examination had admitted that she was not present at the time of incident and her son was murdered by Billa with full name Mandeep Singh and the incident was witnessed by Paga, Pappu etc. Similarly, Joginder Singh PW2 in his cross examination had admitted that he had not witnessed the accident. Further stated that he cannot tell whether Sahib Singh was murdered or died in an accident.

As the claimants failed to adduce sufficient much less cogent and convincing evidence that Sahib Singh sustained injuries in a motor vehicular accident due to rash and negligent driving of offending car by Mandeep Singh @ Billa, there is no reason to differ with findings of the Tribunal on issue No.1 and as such, findings of the Tribunal

on issue No.1 are affirmed. Since the claimants failed to discharge onus of issue No.1, their claim for grant of compensation has rightly been rejected by the Tribunal.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

(REKHA MITTAL)
JUDGE

29.08.2019
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Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No