

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

FAO-4257-2018 (O&M)
Date of decision: 26.11.2019

Anoop Singh

...Appellant

Versus

Satpal alias Polla and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Raj Kapoor Malik, Advocate,
for the appellant.

RITU BAHRI, J. (ORAL)

The appellant/claimant-Anoop Singh has come against the award dated 16.02.2018 passed by the Motor Accident Claims Tribunal, Kaithal whereby his claim petition was dismissed while observing in paragraph 33 that Jai Bhagwan was the driver of the vehicle and Anoop was a pillion rider and they were going to Hajwana from Pundri on a motorcycle bearing registration No. HR31-C-9082. When Jai Bhagwan tried to over take a Sonalika tractor loaded with concrete near Pundri Bhatta, it suddenly turned towards right side and hit their motorcycle. They fell down on road and received injuries. Jai Bhagwan had got the FIR registered and challan was presented against the tractor driver. However, he was sentenced to pay a fine of ₹ 500/- under Section 279, ₹ 100 under Section

337 and ₹ 500 under Section 338 IPC.

Before the Criminal Court Jai Bhagwan appeared and turned hostile and failed to identify driver of the said tractor since Jai Bhagwan was the driver of the motorcycle and Anoop claimant is the uncle of Jai Bhagwan. The very fact that he has failed to identify the driver of the tractor while he was the informer to the police and eye witness at the time of accident, was sufficient to dismiss his claim petition.

No interference is called for with the order passed by the Tribunal.

Dismissed.

(RITU BAHRI)
JUDGE

26.11.2019
Satyawan

Whether reasoned/speaking?	Yes
Whether reportable?	No