

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

FAO No. 678 of 2018 (O&M)
Date of decision: 11.7.2019

Barkha Rani and others

....Appellants

VERSUS

Rakesh Sharma and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.K. Dhiman, Advocate for the appellants.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against award dated 23.08.2017 passed by the Motor Accidents Claims Tribunal, Gurugram (in short 'the Tribunal') whereby application for grant of compensation under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act') was dismissed.

Perusal of the award would reveal that the Tribunal while deciding issues No.1 and 2 together has held that claimants have failed to prove that Hitesh Sharma sustained injuries out of use of a motor vehicle and as such claim for compensation is not maintainable. Counsel for the appellants has failed to point out any materials on record to successfully assail findings of the Tribunal on this aspect of the matter. That being so, I do not find an error much less perversity in the impugned judgment.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

JULY 11, 2019

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

Yes/No

Yes/No