

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

FAO-7059-2019 (O&M)
Decided on : 06.12.2019

Naveen Kumar @ Kala

..... Appellant

Versus

Neetu Devi & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kulwant Singh Dhanora, Advocate
for the appellant.

Manjari Nehru Kaul, J.

Instant appeal has been preferred by the driver of the offending vehicle namely Naveen Kumar @ Kala against the impugned award dated 10.01.2019 passed by Motor Accident Claims Tribunal, Kurukshetra (for short 'the Tribunal') wherein the Tribunal returned a finding that the accident in question, which resulted in the death of Ajay Manjhi, was due to the rash and negligent driving of the appellant while he was driving the offending vehicle i.e. tractor make Sonalika International bearing registration No.HR-75-9442.

Learned counsel for the appellant has prayed for setting aside the impugned award of granting compensation of Rs.11,86,407/- on the ground that the star witness PW-2 Akhilesh Kumar (complainant/eye-witness) before the Tribunal while appearing as PW-9 before Judicial Magistrate, Ist Class, Kurukshetra in criminal case No.345 of 2016 pertaining to FIR No.32 dated 13.02.2013 under Sections 279, 304-A IPC, which was registered pursuant to the accident in question, failed to establish the identity of the driver i.e. the present appellant, who was allegedly

driving the offending vehicle.

After hearing submissions of the learned counsel for the appellant and perusing the case file, no interference is warranted in the impugned award just because in the criminal case registered under Sections 279, 304-A IPC, the eyewitness to the alleged accident failed to identify the offending driver i.e. the appellant. It need not to be over emphasised that the same would have no bearing as far as the proceedings under the Motor Accident Claims Tribunal are concerned inasmuch as Akhilesh Kumar deposed and identified the present appellant was driving the offending vehicle in a rash and negligent manner resulting in the accident in question during his testimony before the Tribunal.

Consequently, the appeal stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

06.12.2019

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