

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.6245-2019 (O&M)
Date of Order:06.01.2020

Joginder @ Babu

..Appellant

Versus

Parmal Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

Owner-driver is in appeal against the award passed by learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') due to death of Aayushi, a minor girl of 6 years in a motor vehicular accident.

Learned Tribunal on appreciation of evidence has found that the claimants-respondents have successfully prove their case by examining Parmal Singh as PW1, father of the deceased, who was going along with his daughter on foot with the appellant when the appellant while driving the motorcycle in a rash and negligent manner hit late Ms. Aayushi resulting in her death consequently.

Learned counsel for the appellant contended that the appellant has been falsely implicated on account of a civil dispute pending between the appellant and respondent no.1. He further submitted that the appellant has examined two co-villagers, who have supported the case of the appellant.

This court has carefully considered the submissions and have gone through the photocopy of the statement of the witnesses produced by the claimants and the appellant.

In the considered view of this court, the learned Tribunal has correctly appreciated the evidence and found merit in the case set up by the claimants. On careful reading of the statement of Parmal Singh, who had appeared as PW1, it is apparent that the evidence of the claimants-respondent no.1 could not be shaken by learned counsel for the appellant in cross-examination. It is the appellant, who had got admitted the deceased minor girl in hospital and had reported that she has suffered injuries in motor vehicular accident.

Of course, appellant did not give his bike number while registering the first information report, however, same would not make any difference. Appellant is also facing prosecution under Sections 279, 304-A of the Indian Penal Code. FIR is Ex.P1 on the record. The argument of learned counsel for the appellant that the appellant has been falsely implicated, do not impress this court, particularly when Parmal Singh, PW1 has withstood the cross-examination and stuck to his stand.

In view thereof, this court does not find any ground to interfere.

Dismissed.

Office is directed to remit the amount deposited in this Court to the Executing Court for disbursal to the claimants.

January 06, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No