

**In the High Court of Punjab and Haryana, at Chandigarh**

**F.A.O. No. 7377 of 2018 (O&M)**

**Date of Decision: 21.01.2020**

Rajinder Singh

... Appellant(s)

Versus

Manjeet Kaur and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal**

Present: Mr. G.S.Sandhu, Advocate  
for the appellant.

**Anil Kshetarpal, J.**

Owner of the offending vehicle is in appeal against the award dated 08.08.2018, passed by the learned Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as “the Tribunal) deciding a claim petition filed on account of death of Manga Singh in a motor vehicular accident on 15.06.2017. Manga Singh was travelling on a motor cycle along with his son. After getting fuel from the Fuel Station, when he came back on main road, the appellant, while driving Swift car, had knocked down late Sh. Manga Singh.

The learned Tribunal, on appreciation of evidence, has found that the appellant was driving the vehicle in a rash and negligent manner.

Learned counsel for the appellant has submitted that the deceased was admittedly entering the highway and, therefore, required to be more vigilant. He further submitted that the appellant was travelling on a highway and, therefore, he cannot be held liable.

This Court has considered the submissions of learned counsel for the appellant.

Learned counsel for the appellant has also read the statement of CW.2 Manpreet Singh, son of the deceased, who was travelling as a pillion rider and CW.4 Narinder Singh. After reading both the statements, it is apparent that the learned counsel appearing for the appellant could not impeach credibility of the statements made by the witnesses to the effect that the appellant was driving the vehicle in a rash and negligent manner.

As regards arguments of learned counsel for the appellant that Manga Singh, deceased, was entering the highway and, therefore, required to be more vigilant, there cannot be any doubt. However, it is not only the person who is entering the highway has to be vigilant, even the person, who is driving on the highway, has to be careful as well. In the present case, consistent evidence of both the witnesses noted above is to the effect that it was the appellant who was driving the vehicle in a rash and negligent manner.

In view of the above, there is no scope for interference. As such, the present appeal shall stand dismissed.

The miscellaneous application(s), if any, shall also stand disposed of.

**(Anil Kshetarpal)**  
**Judge**

**January 21, 2020**  
**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No