

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

Sr. No.108

**FAO No.3242 of 2021 (O&M)
Date of Decision : November 30, 2021**

Prashant Kumar

...Appellant

Versus

Meena Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Manish Verma, Advocate, for the appellant.

SUDHIR MITTAL, J. (ORAL)

This appeal has been filed by the driver of the offending vehicle which caused the accident resulting in the death of Ajay Kumar who was a B.Tech. 2nd year Mechanical Engineering student. The accident took place on 13.03.2016. Deceased Ajay Kumar was travelling in an auto-rickshaw along with his father and a friend when the car being driven by the appellant collided with an Activa scooter and then the auto rickshaw.

The Tribunal has awarded a compensation of Rs.15,82,000/- and has placed the liability for paying the same upon the driver and owner of the offending car as neither was the car insured nor was the driver thereof holding a valid driving licence.

Learned counsel for the appellant has submitted that the driver of the Activa has not been produced in evidence. None of the persons who witnessed the accident have also been produced. Only the father of the deceased has stepped into the witness box as PW-1 and he is a planted witness as he had stated that he also sustained multiple injuries but no evidence regarding the same was forthcoming. Thus, the appellant has not

been identified and the Tribunal was in error in concluding that he was the driver of the offending vehicle.

A perusal of the award shows that the appellant did not dare to step into the witness box to state that he was not driving the vehicle which caused the accident. Thus, he cannot be permitted to argue that the findings of the Tribunal regarding his involvement in the accident are erroneous.

In view of the above, the appeal has no merit. It is dismissed both on the grounds of delay and merits.

November 30, 2021

Ankur

(SUDHIR MITTAL)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No