

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

FAO No.1055 of 2020 (O&M)
DATE OF DECISION : 29.04.2022

Avtar Singh

.....Appellant

versus

Balvir Kaur and Others

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Malhar Singh Dhami, Advocate for the appellant

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ALKA SARIN, J. (Oral):

The present appeal has been preferred against the award passed by the Motor Accident Claims Tribunal, Shaheed Bhagat Singh Nagar dated 03.10.2019.

Briefly, the facts relevant to the present *lis* are that the claimants filed a claim petition on the ground that Rajwinder Singh was sitting in a stationery tractor-trolley near the shop of Gurdeep Singh and at about 11.15 a.m., suddenly truck bearing registration No.PB-12-K-5107 came from the wrong side rashly and negligently and at a high speed and rammed into the stationery tractor-trolley eventually leading to the death of Rajwinder Singh. FIR No.25 dated 06.04.2018 was registered under Sections 279 and 337 of the Indian Penal Code, 1860 with Police Station Kasauli, District Solan against the driver of the truck.

The learned counsel for the appellant would contend that the appellant, who is the driver of the offending vehicle, had in his written statement taken a specific plea that the claim petition was bad for non-joinder of necessary parties and that at the time of the accident the driver of the tractor-trolley in which the deceased was sitting was not holding a valid driving licence.

The Tribunal has returned a finding that though it has been stated in the written statement that the claim petition was bad for non-joinder of necessary parties, however, it has nowhere been stated as to who were the necessary parties who had not been impleaded. The argument of the learned counsel that the driver of the tractor-trolley did not have a valid driving licence and route permit would be of no consequence in as much as the driving licence, route permit, etc. are to be seen of the offending vehicle and that too is an issue which can be raised by the Insurance Company. In the present case, the tractor-trolley was stationery when it was hit by the offending truck.

No other point has been argued.

In view of the above, I do not find any merit in the present appeal which is accordingly dismissed. Pending applications, if any, also stand disposed off.

Dismissed.

(ALKA SARIN)
JUDGE

29.04.2022
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NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
