

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

FAO-1238-2020 (O&M)

Date of decision : 13.09.2022

ASI Bikkar Singh

...Appellant

Vs.

Harbhinder Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Arora, Advocate for the appellant.

MANOJ BAJAJ, J.

Appellant has preferred this appeal challenging the award dated 07.11.2019 passed in claim petition bearing No.81/2017, whereby the claim petition filed under Section 166 Motor Vehicles Act, 1988 by respondent was allowed.

Briefly, the facts of the case are that on 04.08.2015, when the respondent (claimant) was driving his auto rickshaw bearing registration No.PB-04-K-3230, then Chevrolet Beat Car bearing registration No.PB-46-L-7414, being driven by appellant, came from the opposite and hit the auto rickshaw of the claimant, resulting in grievous injuries to him. The victim was rushed to Civil Hospital, Khadur Sahib. The matter was reported to the police, but FIR was not registered against the appellant, however, a complaint in this regard has been filed under Sections 337, 338, 279 and 427 IPC, which is pending adjudication. The claimant brought the claim petition to seek compensation against respondent and claimed compensation of Rs.5 lacs.

The claim was contested by appellant by filing his written

statement, wherein he denied the accident and prayed for dismissal of the claim petition.

The Tribunal after considering the pleadings, framed three issues and thereafter, the parties adduced their respective evidence. Upon considering the pleadings and evidence on record, the Tribunal vide award dated 07.11.2019 allowed the claim petition and awarded compensation of Rs.75,250/-along with interest @ 6% per annum.

Learned counsel for the appellant has argued that the offending vehicle was not insured and according to claimant, the alleged accident was caused by the appellant, who was driving the said vehicle, but in the criminal complaint moved at the instance of the claimant, the appellant stood acquitted. He submits that the said judgment of acquittal dated 26.02.2018 (Ex.RW-1/A) was adduced in evidence, but the learned Tribunal has ignored the same by fastening the liability upon him. He submits that the impugned award is not sustainable and deserves to be set aside.

After hearing the learned counsel and considering the material on record, this Court finds that the claimant and his wife examined themselves as witnesses to prove the case and these witnesses were not even cross-examined by the appellant. Since the evidence of the claimants remained un-impeached, therefore, the material issue relating to the rash and negligent driving by the appellant has been rightly answered by the Tribunal against him. The argument that the appellant stands acquitted in the criminal case is of no help to the appellant's case, as standards of

evidence in these two separate proceedings are distinct.

No other argument was raised.

Resultantly, this Court does not find any merit in this appeal and the same is dismissed.

Dismissed.

(MANOJ BAJAJ)
JUDGE

13.09.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No