

FAO-5109-2022

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

(112)

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Date of Decision:-15.12.2022.

Kulwinder Singh

.....Petitioner

Versus

Balbir Singh and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Navjot Singh, Advocate for the appellant.

ALOK JAIN, J. (Oral)

The present appeal has been filed by driver of the offending vehicle against the Award dated 26.09.2022.

Learned counsel for the appellant has vehemently argued that the evidence of the witness relied upon by the Tribunal was never summoned by the trial Court in FIR No.85 dated 22.05.2017, under Sections 279, 337, 427 and 304-A of IPC, registered at Police Station Dehlon, Ludhiana. He further submits that in the State case, the appellant was acquitted and, hence, the Award is bad in the eyes of law.

Having heard learned counsel for the appellant and perusing the record, it has transpired that the appellant was proceeded *ex parte* before the MACT, Ludhiana, and never brought any evidence on record. The Tribunal has rightly held that the liability to pay the compensation is against the appellant and, hence, there is no infirmity in the Award passed

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by the MACT, Ludhiana.

Accordingly, finding no merit in the present appeal, the same is dismissed.

However, this order shall not preclude the claimants to seek any enhancement, if so permissible under the law.

(ALOK JAIN)
JUDGE

December 15, 2022.

Sandeep

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