

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

FAO-2675-2000

Date of Decision :21.04.2023

Rajpati and others**....Appellants****Versus****Suraj Bhan and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Neha Rana, Advocate for
Mr. R.N. Lohan, Advocate for the appellants.

Mr. Sanjeev Pabbi, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

In the present appeal, the challenge is to award dated 22.07.2000 passed by the Motor Accident Claims Tribunal, Jind by which, veracity of the accident has been disbelieved and the claim petition filed by the claimants has been rejected.

On being asked to point out any perversity in the award dated 22.07.2000 passed by the tribunal, learned counsel for the appellants submits that the statement of one of the eye-witness namely, Baljeet Singh, who appeared as PW-2 has been disbelieved by the tribunal and that too without any valid justification. Learned counsel for the appellants argues that said Baljeet Singh, who claims to be on spot at the time of accident had stated that he knew the driver of the offending vehicle as he was his good friend hence, his testimony should have been believed by the tribunal.

The said argument of the learned counsel for the appellants cannot be accepted in view of the detailed discussion already done on the

said aspect in para-14 of the impugned award. The tribunal has categorically held that the statement of the eye-witness Baljeet Singh is not beyond doubt for the reason that nothing has come on record as to why, Baljeet Singh, who was known to Jagdev Singh-victim did not accompany him to hospital after the accident and further claim of Baljeet Singh was that he knew the driver of the offending vehicle but in the Court he failed to recognize him, which shows that testimony of the said witness was not credible. The said finding clearly shows that tribunal was within jurisdiction to hold that testimony of Baljeet Singh cannot be relied upon.

Learned counsel for the appellants has not been able to rebut the findings recorded by the tribunal to the said aspect in any manner.

No other argument has been raised.

Keeping in view the fact that no perversity in the award dated 22.07.2000 passed by the tribunal has been pointed out by the learned counsel for the appellants, no interference is called for by this Court and the present appeal is accordingly dismissed.

April 21, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No