

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-16270-CII-2023 in/and
FAO-4740-2023 (O&M)
Date of Decision: 07.12.2023.

ASHOK KUMAR

...APPELLANT

VS

SIMAR KAUR AND ORS.

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Shivya Sehgal, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

1. The owner-cum-driver of the vehicle 'Ford Endeavour' bearing registration Plate No. CH-41T-2918 is challenging the finding of fact arrived at Motor Accident Claims Tribunal, Ludhiana. The claim petition under Section 166 of the Motor Vehicle Act was filed by the widow and two minor children and the parents of Late Sh. Pawandeep Singh who died in the automobile accident on 26.01.2017. At the time of the accident, the deceased was going on his motorcycle from his Village towards Village Doraha whereas, the appellant-Ashok Kumar, while driving his vehicle namely 'Ford Endeavour' in a rash and negligent manner, hit the motorcycle from behind. The deceased fell down and suffered grave injuries. A large number of people gathered at the spot and the injured-Pawandeep Singh was taken to hospital. However he died on the spot. FIR No. 16 was registered on 26.01.2017, against the respondent No.1. In order to prove the involvement

of the 'Ford Endeavour' driven by Ashok Kumar, the claimants examined Gagandeep Singh and Swaranjeet Singh. These two witnesses were examined to prove the fact that Ford Endeavour driven by Ashok Kumar (appellant) caused the accident. The tribunal assessed the compensation payable to the claimants at Rs. 19,34,960/- along with interest @ rate of 7% per annum from the date of filing of the petition till its realization.

2. Learned counsel representing the appellant submits that the appellant's evidence has not been discussed. She further submits that in the criminal case, the appellant has been acquitted.

3. This Court has considered the submission of the learned counsel. In fact the learned counsel representing the appellant submits that Gagandeep Singh was not present at the place of accident as the tower location of his mobile phone proved that he was nowhere present near at the accident spot. On a Court question, the learned counsel representing the appellant admits when Sh. Gagandeep Singh appeared in evidence, however, he was not confronted to a question regarding the aforesaid fact.

4. She further contends that Swaranjit Singh, another eye witness made improvements in his statement under Section 161 Cr.P.C. On a Court question, she admits that the aforesaid statement was also not confronted to him when he appeared as a witness in the Tribunal.

5. Furthermore, the appellant has not produced the tower location of his own mobile phone to prove that he was not involved in the accident. It has come in the evidence that when the accident took place a lot of people gathered at the spot of occurrence and forced the appellant to take the deceased in his own vehicle to the hospital.

6. Keeping in view of the aforesaid facts, no ground to interfere is made out.
7. The present petition stands dismissed. All pending miscellaneous applications, if any, stand disposed of.

(ANIL KSHETARPAL)

JUDGE

07.12.2023

pry

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No