

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-17961-CII-2018 in/&
FAO-5360-2018 (O&M)
Date of Decision :21.04.2023

Baljinder Singh and others

....Appellants

Versus

Mandeep Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Rajdeep Kaur, Advocate for the appellants.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-17961-CII-2018

As prayed for, application is allowed.

FAO-5360-2018

In the present appeal, the challenge is to award dated 04.05.2018 passed by the Motor Accident Claims Tribunal, Ferozepur by which, the claim petition filed by the claimants was dismissed on the ground that no cogent and convincing evidence has been produced so as to prove the accident in question.

On being asked to point out as to how the findings of the tribunal are perverse, learned counsel for the appellants has not been able to point out any of the evidence to rebut the findings recorded by the tribunal.

Learned counsel for the appellants submits that the appellants had given the number of the offending vehicle hence, the claim of the appellants should have been accepted.

It may be noticed that in the award dated 04.05.2018 it has

already come on record that police inquired into the allegations and ultimately found that the allegations being alleged by the appellants were not substantiated and Mandeep Singh-respondent No.1 against whom allegations were alleged was not present at the time of occurrence of the accident and FIR was closed as untraced, which report has already been accepted by the appellants.

Keeping in view the said fact, which has not been rebutted by the learned counsel for the appellants, it cannot be said that the findings are perverse in any manner qua the facts/evidence, which has come on record so as to call for interference by this Court.

No other argument has been raised.

Keeping in view the fact that no perversity in the award dated 04.05.2018 passed by the Motor Accident Claims Tribunal, Ferozepur 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