

2023:PHHC:156238

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

FAO-6118-2023 (O&M)
Date of decision: 06.12.2023

Sukhwinder Singh

....Appellant

Versus

Kuljit Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Atul Jain, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

CM-21028-CII-2023

1. For the reasons stated in the application, delay of 219 days in filing the appeal is condoned.
2. CM stands allowed.

Main case

3. The appellant before this Court challenges the correctness of the award passed by the Motor Accidents Claims Tribunal (hereinafter referred to as 'the Tribunal'). The appellant herein is owner of Mahindra Arjun Tractor 555. The Tribunal has held that on account of rash and negligent driving of the aforesaid vehicle Goldi @ Ravinder Singh died in an accident caused by Ranjit Singh @ Bubby, who was driving the vehicle at the relevant time. The accident took place on 4th November, 2019 and the FIR No. 220 was also registered on the same date. The deceased has left

behind his wife, three minor children and a widowed mother. The FIR was registered by Sh.Kulwant Singh, who has appeared as C.W

2. On the other hand, the driver as well as the appellant (the owner of the vehicle) entered the witness box. The Tribunal, on appreciation of evidence, found that the Tractor-trolley owned by the appellant was never involved in the accident and Sh. Ranjit Singh @ Bubby was driving the vehicle in a rash and negligent manner.

4. The correctness of the aforesaid award has been challenged in this appeal by the owner of the offending vehicle, which caused the accident. Learned counsel representing the appellant submits that while registering the FIR on 4th November, 2019, the registration number of the vehicle was not disclosed. He submits that Sh.Kulwant Singh, while appearing in the criminal case, has not supported the case set up by the police.

5. This Court has considered the submissions made by the learned counsel representing the appellant. While registering the FIR on 4th November, 2019, it was disclosed that that the accident has been caused by a Tractor, which had name 'Arjun' as its logo. Subsequently, during investigation of the criminal case, it was found that tractor bearing registration plate No. PB-06-AQ-1890 was involved in the accident. An opportunity was given to the learned counsel representing the appellant, however, he failed to impeach

his credibility. Despite the searching questions, Sh.Kulwant Singh stood on the ground. The Tribunal, on appreciation of the evidence, has concluded that the appellant's vehicle was involved in the accident.

6. The second argument of the learned counsel has no substance as a copy of the aforesaid statement was not produced in evidence before the Tribunal. No application for additional evidence has also been filed. Hence, for the first time in appeal, this court cannot entertain a copy of the deposition of Sh.Kulwant Singh in criminal trial.

7. Keeping in view the aforesaid facts, no ground to interfere is made out.

8. Hence, dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

06.12.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE