

FAO-4819-2002 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4819-2002 (O&M)
Reserved on : 12.01.2024
Date of decision : 16.01.2024

Bhalle Ram ... Appellant(s)

Versus

Ayub Khan and others ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.S. Malik, Advocate for the appellant.

ALKA SARIN, J.

1. The present appeal has been preferred by the claimant-appellant - Bhalle Ram - against the award passed by the Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as ‘Tribunal’) dismissing his claim petition for grant of compensation for damage of his truck.
2. Learned counsel for the claimant-appellant would contend that the Tribunal has erred in dismissing the claim petition on erroneous grounds and that the evidence led by the claimant-appellant has totally been ignored.
3. I have heard the learned counsel for the claimant-appellant.
4. In the present case the Tribunal found that qua the accident an FIR had been registered against the claimant-appellant - Bhalle Ram - and a

criminal case was pending in the Court of Additional Chief Judicial Magistrate, Rohtak. The FIR was got registered by Ayub Khan - driver of the truck bearing Registration No.RNS-2919. Although the claimant-appellant had stated that the accident had taken place due to the rash and negligent driving of Ayub Khan (respondent No.1 herein), the Tribunal found that the claimant-appellant had taken no steps to register a case against Ayub Khan (respondent No.1 herein). The learned counsel for the claimant-appellant has not been able to convince this Court that there was negligence on the part of Ayub Khan (respondent No.1 herein) in driving his truck. The learned counsel for the claimant-appellant is also not in a position to explain as to why no action was taken by the claimant-appellant in terms of lodging the FIR against Ayub Khan (respondent No.1 herein) after the accident had taken place.

5. In view of the above, I do not find any merit in the present appeal and the same is, accordingly, dismissed. Pending applications, if any, also stand disposed off.

16.01.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO