

FAO-1099 of 2007 (O&M)

2024.PHHC:153640



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-1099 of 2007 (O&M)
Date of Decision: November 21, 2024

Piara Singh and anr.

.....Appellants

Vs.

Kamna Sharma

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rajat Arora, Advocate for
Mr. Amrinder Singh, Advocate
for the appellants.

None for the respondents.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 02.11.2006 passed in the claim petition bearing M.A.C.T No. 29 dated 13.10.2005 filed under Section 163-A of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal'), wherein the liability to pay the compensation to the claimant was fastened upon the appellants (driver and owner) respectively.

2. Learned counsel for the appellants contends that there was negligence on the part of the respondent but the learned Tribunal did not take into account this fact while deciding the claim petition of the claimant and wrongly allowed the claim petition.

3. I have heard learned counsel for the parties and perused the whole record of this case.



4. A perusal of the record shows that the accident took place due to rash and negligent driving of appellant No. 1-Piara Singh, who without giving any indication turned the tractor-trolley towards the motorcycle and struck against it. F.I.R bearing No. 154 dated 16.04.2005 (Ex A4) was also registered against the driver/appellant No. 1 (Piara Singh). Ex A-2 is the charge sheet framed by the Court of learned Chief Judicial Magistrate, Sangrur against Piara Singh in the above mentioned FIR. Appellant No. 1-Piara Singh (driver of the offending vehicle) appeared in the witness box and in his affidavit (Ex RW1/A), stated that the accident was caused due to rash and negligent driving of motorcycle. Further in the cross examination, this witness admitted the accident and the death of the child.
5. A detailed reasoning is given by the learned Tribunal regarding the factum of accident and negligence on the part of appellant No. 1-Piara Singh.
6. In view of the above, there is no infirmity in the impugned award dated 02.11.2006. Therefore, the present appeal is dismissed being devoid of any merit.
7. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

November 21, 2024

G Arora

Whether speaking/non-speaking : Speaking
Whether reportable : Yes