

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-2012-2007 (O&M)

Date of Decision : 12.03.2024

DHARAM KAUR & ORS.

.... Appellants

VERSUS

VIJAY KUMAR & ORS.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sudhir Aggarwal, Advocate for the appellants.

Mr. Arjun Atri, Advocate for

Mr. Rahul Pathania, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimants against the dismissal of the claim petition by the Motor Accident Claims Tribunal, Gurgaon vide award dated 13.02.2007.

2. Learned counsel for the appellants would contend that the factum of the accident stood proved as the injured, who was travelling with the deceased in the Jeep bearing registration No.HR-14/7956, had deposed regarding the accident.

3. On the contrary, learned counsel for respondent No.3 would contend that there was no FIR which was lodged and that the testimony of PW-1, namely, Sher Singh was also found to be unbelievable and hence the claim petition was rightly dismissed.

4. Heard.

5. In the present case the eye-witness, who was stated to have been travelling along with the deceased on 08.07.2001 at the time of the

accident, deposed that he was travelling in the Jeep bearing registration No.HR-14-7956. When the Jeep reached near Mubarikpur turn at around 3:30 pm, a truck bearing registration No.HR-26-A-2186 came from the opposite direction, which was being driven by respondent No.1 in a rash and negligent manner, hit the Jeep due to which the Jeep turned turtle. He further deposed in his cross-examination that he did not inform the Police regarding the accident and that he also did not go to the Civil Hospital, Gurgaon along with the dead body of Balbir Singh. He also admitted not having informed any of the family members of the deceased. He further stated that he had received minor injuries in the accident, however, he did not get himself treated. In view of the statement made by PW-1, namely, Sher Singh and in the absence of the FIR, no fault can be found with the award passed by the Tribunal concerned.

6. In view of the above, the present appeal, being devoid of any merits, is accordingly dismissed. Pending applications, if any, also stand disposed off.

12.03.2024

Aman Jain

(ALKA SARIN)

JUDGE

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