



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

107**FAO-5807-2012 (O&M)****Date of Decision : 17.05.2024**

RENU BALA AND ORS.

.... Appellants

VERSUS

JAGTAR SINGH AND ORS.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dinesh Kumar, Advocate and
Mr. Manish Kumar Singla, Advocate for the appellants.

None for respondent No.1.

Mr. Suvir Dewan, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred against the award dated 07.09.2012 passed by the Motor Accident Claims Tribunal, Sangrur vide which the claim petition filed by the claimant-appellants was dismissed on the ground that mere registration of an FIR would not lead to the conclusion that it was a case of rash and negligent driving.

2. Learned counsel for the claimant-appellants would contend that photographs of the accident were appended in the criminal case which have now been placed on the record vide application being **CM-7933-CII-2024** showing that the offending vehicle had hit the bicycle of Davinder Kumar (since deceased) from behind. Learned counsel would further contend that the said photographs could not be brought on the record before the Tribunal.



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3. *Per contra*, learned counsel for respondent No.3-Insurance Company would contend that the claimant-appellants were unable to prove that the accident was a result of rash and negligent driving of the offending vehicle.

4. Heard.

5. In the present case an FIR was registered qua the accident and from the photographs, which have been placed on the record now, it is clear that the cyclist (deceased) was hit from behind. AW-2 had also stated the same that the accident had occurred due to rash and negligent driving of the offending vehicle. However, the Tribunal has disbelieved his statement on flimsy grounds.

6. In view of the above, the present appeal is allowed and the impugned award passed by the Tribunal concerned is set aside. The matter is remanded back to the Tribunal concerned for deciding afresh on merits and in accordance with law. The claimant-appellants, if so advised, may move an application for additional evidence for placing on record the photographs. The parties to appear before the Tribunal concerned on **31.05.2024** at 10:00 am. Pending applications, if any, also stand disposed off.

17.05.2024*Aman Jain***(ALKA SARIN)
JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*