

FAO-4905-2014 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4905-2014 (O&M)
Reserved on : 22.02.2024
Date of Decision : 11.03.2024

Pushpa & Ors.

....Appellants

VERSUS

Bhani Ram & Ors.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Preeti Singh, Advocate for the appellants.

ALKA SARIN, J.

1. The present appeal has been filed by the claimant-appellants challenging the award dated 25.03.2014 passed by the Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as 'Tribunal'). The claim petition was dismissed by the Tribunal vide the award dated 25.03.2014.

Hence, the present appeal.

2. The learned counsel for the claimant-appellants would contend that the accident in the present case stood duly proved and that the driver had also faced criminal trial and hence the Tribunal erred in dismissing the claim petition.

3. I have heard the learned counsel for the claimant-appellants.

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4. In the present case, Karan Singh (PW2) who is also the author of the FIR stated that respondent No.1 - Bhani Ram - driver of the offending jeep bearing registration No.HR-62-B-1486 had caused the accident and in this regard an affidavit in evidence being Ex.PW2/B was also filed. However, the same witness while appearing in the criminal case as PW1 stated that the accused present in Court i.e. Bhani Ram had not caused the accident. PW2 - Surinder Singh - another eye-witness in the criminal case stated that he did not know the number of the jeep in question which caused the accident. On the basis of the testimony of two witnesses, the driver was acquitted vide judgment dated 11.07.2012. The same witness, PW2 - Karan Singh - has given a totally different version herein. The learned counsel for the claimant-appellants has not been able to convince the Court that the present case is a genuine case and that the accident was caused by the offending vehicle.

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

(ALKA SARIN)
JUDGE

11.03.2024

Yogesh Sharma

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