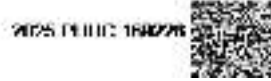


FAO-1776-1995 (O&M)



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

FAO-1776-1995 (O&M)

Decided on : 04.12.2025

State of Haryana & anr.

....Appellants

Versus

Sakina & ors.

....Respondents

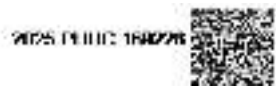
CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Naveen Singh Panwar, D.A.G., Haryana
for the appellants.

PANKAJ JAIN, J. (ORAL)

1 The State is in appeal aggrieved of the award passed by the Motor Accident Claims Tribunal, Rohtak, whereby the claim application filed by the respondents under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the 1988 Act') has been allowed. The accident is not in dispute.

2 The sole issue being raised is with respect to the findings recorded by the Tribunal on issue No.4 regarding the rash and negligent driving of driver of the bus owned by the appellant. Tribunal, while returning its findings, has relied upon the testimony of PW1 Jagdish, who happens to be an eyewitness, and Loveleen Sharma, PW2. From the records, it is discernible that Loveleen Sharma was travelling in the offending bus. She specifically deposed before the Tribunal that the bus was being driven by driver carelessly and rashly. Even the passengers sitting in the bus had complained about the same and had advised the driver to be careful. She



deposed that the bus driver, in an attempt to overtake the tempo, rammed the bus into the Maruti Gypsy coming from the other side which resulted in loss of life.

3 Keeping in view the deposition on oath by the traveller of the bus, whose presence on the spot cannot be disputed, no fault can be found with the findings recorded by the Tribunal merely for the reason that, in the FIR *qua* the accident, the driver of the Maruti Gypsy was also arraigned as a co-accused along with the driver of the bus.

4 Needless to say, FIR is not an encyclopedia of whole of the incident, and the Tribunal, after ascertaining and evaluating the evidence, is well within its right to record finding of fact based on entire evidence. There is nothing on record that could be pointed out by the counsel for the appellants, which can persuade this Court to interfere in the pure finding of fact recorded by the Tribunal.

5 Finding no merits in the preset appeal, the same is ordered to be dismissed.

04.12.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No