

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****248****FAO-8717-2014 (O&M)****Date of Decision : 20.01.2025**

Raman Kumar Goyal @ Raman Goyal

....Appellant

VERSUS

Nitish Kumar @ Nitish Goyal and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manish Kumar Singla, Advocate for the appellant.

Mr. Lalit Garg, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the injured claimant-appellant challenging the award dated 12.08.2014 passed by the Motor Accident Claim Tribunal, Sangrur (hereinafter referred to as the 'Tribunal') whereby the claim petition filed by him has been dismissed on the ground that it was not proved on the record that the accident took place due to the rash and negligent driving of respondent No.1 – Nitish Kumar, driver of the car bearing registration No.PB-44-B-0141 (hereinafter referred to as the 'offending vehicle') in which the claimant-appellant was travelling.

2. Learned counsel for the claimant-appellant would contend that due to the rash and negligent driving of the offending vehicle by respondent No.1 - Nitish Kumar - the offending vehicle hit a truck parked on the road.

3. *Per contra* learned counsel for respondent No.2-Insurance Company would contend that in the present case the claimant-appellant herein failed to aver and prove that the accident took place due to the rash

and negligent driving of the offending vehicle by respondent No.1 - Nitish Kumar.

4. Heard.

5. It is trite that in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 it is incumbent on the claimant to prove that the accident took place due to rash and negligent driving of the offending vehicle. In the present case the offending vehicle was being driven by respondent No.1 - Nitish Kumar - which is alleged to have hit a truck parked on the road due to being blinded by the lights of oncoming traffic. It was not even pleaded in the claim petition or stated in the examination-in-chief of the claimant-appellant that the accident took place due to the rash and negligent driving of the offending vehicle by respondent No.1 - Nitish Kumar. There is not an iota of evidence led on the record to show that there was any negligence on the part of the driver of the offending vehicle. In the absence of any evidence, no fault can be found with the impugned award passed by the Tribunal.

6. In view of the above, I do not find any merit in the preset appeal and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

20.01.2025
jk

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