

(2014) 01 P&H CK 0297

High Court Of Punjab And Haryana At Chandigarh

Case No: F.A.O. No. 3000 of 1996

Surjit Singh

APPELLANT

Vs

Ram Karan

RESPONDENT

Date of Decision: Jan. 23, 2014**Citation:** (2014) 3 RCR(Civil) 1043**Hon'ble Judges:** Jitendra Chauhan, J**Bench:** Single Bench**Advocate:** Sagar Aggarawl, Advocate for Ashit Malik, Advocate for the Appellant; Neeraj Khanna, Advocate for the Respondent**Final Decision:** Dismissed

Judgement

Jitendra Chauhan, J.

The present appeal has been filed against the award dated 12.8.1996, passed by the learned Motor Accident Claims Tribunal, Karnal (for short "the Tribunal") vide which, the claim petition filed by the appellants was dismissed. However, a sum of Rs. 50,000/- has been awarded to the appellants-claimants on account of no fault liability. Learned counsel for the appellant contends that the learned Tribunal has wrongly dismissed the claim petition without appreciating the facts on record. The accident occurred due the rash and negligent driving of respondent No. 1. As per the medical record, the accident is proved on record. The appellant suffered multiple injuries on his body and he remained admitted in Civil Hospital, Kapurthala from 20.7.1993 to 23.7.1993.

2. On the other hand, the learned counsel for the Insurance Company submits that the learned Tribunal has rightly dismissed the claim petition of the appellants. Therefore, he prays for the dismissal of the appeal.

3. I have heard the learned counsel for the parties and perused the case file.

4. The learned Tribunal framed issue No. 1 "whether the accident took place on account of rash, negligent and careless driving of truck No. PB-11C-7896 by

respondent No. 1 Ram Karan and in that accident Raju, Manoranjan Singh, Tirlochan Singh received injuries and Parvinderpal Singh died and car No. DL-4CB-2542 was damaged? OPP While deciding this issue, the learned Tribunal has categorically recorded as under:-

"Keeping in view the fact that the author of the FIR has not been examined and all the claimants are interested in claiming compensation but statement of RW 1 Ram Karan finds corroboration from the statement of PW 2 Manoranjan Singh, who has admitted that the truck was lying parked on its proper side on kacha berm of the road with its parking lights on, and there is no reason to disbelieve PW-2 Manoranjan Singh. I come to the conclusion that the accident took place not on account of negligence of the truck driver but on account of negligence of Parvinderpal Singh, who was driving the car."

5. As per Mark-G, report of mechanic regarding the car and the truck, the right side tie rod of the truck was in broken condition. After having gone through the record and hearing the learned counsel for the parties, this Court finds no substance in the arguments raised by the learned counsel for the appellants. Moreover, This Court does not want to substitute one probable view with another probable view already taken by the learned Tribunal. In view of the above, this Court finds no perversity or illegality in the impugned Award passed by the learned Tribunal. Accordingly, the present appeal is dismissed.