
(2014) 07 P&H CK 0106
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 2247 of 1995 (O&M)

Kulwant Kaur

APPELLANT

Vs

Bakhshish Singh

RESPONDENT

Date of Decision : 21-07-2014

Acts Referred:

Motor Vehicles Act, 1988 — Section 163

Citation : (2014) 07 P&H CK 0106

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : A.S. Sukhija, Advocate for the Appellant; Ram Chander and Manmohan, Advocate for the Respondent

Final Decision : Dismissed

Judgement

K. Kannan, J.—The appeal is against the dismissal of the petition for compensation where the first statement recorded in the DDR was to the effect that unknown vehicle had caused the accident and that a dead-body was found lying on the road. This statement was given by one Rattan Singh but at the trial one Sher Singh was examined to state that he was actually travelling in the direction of the accident and he was the personal witness to the accident. He gave evidence to the effect that few persons from the nearby rice seller had collected at the place soon after the accident and he left the place merely noting down the registration number of the vehicle which was involved in the accident. When he learnt from Rattan Singh that the person who was hit by the alleged offending vehicle had also died, he reported the matter to the police giving all the necessary details. This happened about 4 months later to the accident. The driver appears to have been challaned after gathering details of the name of the driver from Sher Singh but the driver who was said to have caused the accident examined himself was a witness before the Tribunal and denied the involvement of the vehicle. The Tribunal made observation that it was artificial that Sher Singh knew personally about the accident but was still not giving the statement

to the police immediately. The fact that the first disclosure about the accident came about 4 months later was found not to be acceptable and characterized Sher Singh as not a witness for truth. There were two views possible in the given set of evidence produced before the Tribunal and the Tribunal took a view that the involvement of the vehicle had not been established. I will find no reason to substitute my own assessment differently from how the Tribunal has approached the issue.

2. It must only be taken that it was a case of "hit and run" and the only benefit that the claimants could obtain is to secure the compensation as possible by resorting to the procedure prescribed u/s 163 of the Motor Vehicles Act. If such an application is filed, delay in filing the same and the cause for the death shall not be required to be proved again. The delay shall be condoned and the death must be taken as the result of the use of a motor vehicle in a hit and run situation and the State shall release the compensation from the compensation fund created for the purpose. This exercise shall be done on an application filed by the claimants and the amount released within a period of 12 weeks from the date of receipt of copy of the order and the application in support of the claimants' claim for compensation before the authorities.

3. The appeal is dismissed but with the above observations.