

Motor Vehicles Act, 1988, Section 166 - Proceedings before the Tribunal under Section 166 of the Motor Vehicles Act, 1988, is summary proceeding in the nature of enquiry for the purpose of assessment of just and proper compensation which is awarded to the claimants and for that purpose, strict proof of the issues, which is required in a criminal trial, would not be required - Thus, non-examination of Informant or Investigating Officer would not be of much value in this case as the final report which has been submitted by the police after investigation charge-sheeting the driver for negligent and rash driving has already been brought on record, which would be sufficient to prove rash and negligent driving by the driver - The variation at the time of the cross-examination regarding the time of accident and identification would also be not of much value as there is no crisis of any identification or time of evidence as the police has already submitted its final report after investigating the matter and finding the accident to have been taken place at a particular time and due to rash and negligent driving by a particular person - That apart, the driver and owner did not have courage to come into the witness box to rebut the evidence led by the claimants - In such a situation, in my opinion, no further proof was required and the finding of the Tribunal that the accident was a result of rash and negligent driving by the driver of the offending vehicle, cannot be faulted with.

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