

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

FAO No.1204 of 1999 (O&M)
Date of decision: 15.07.2015

Jiwan Kumar and others

....Appellants

Versus

Mohan Singh and others

....Respondents

2. CR No.4084 of 2003 (O&M)

Pepsu Road Transport Corporation, Patiala through its Managing
Director

....Appellant

Versus

Jiwan Kumar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. R.S. Mamli, Advocate
for the appellants in FAO No.1204 of 1999
and for respondents in CR No.4084 of 2003.

Mr. L.C. Aggarwal, AAG, Punjab.

Mr. Aman Sharma, Advocate
for the petitioner in CR No.4084 of 2003
and for respondent No.4 in FAO No.1204 of 1999.

K.C. PURI J. (Oral)

Vide this common order, I intend to dispose of FAO
No.1204 of 1999 , titled as “*Jiwan Kumar and others vs Mohan
Singh and others*”, directed by the claimants and CR No.4084 of

2003, titled as “*Pepsu Road Transport Corporation, Patiala through its Managing Director vs Jiwan Kumar and others*” as both of them are relating to the award dated 02.02.1999, passed by Sh. R.P. Bhasin, Motor Accident Claims Tribunal, Kurukshetra.

Briefly stated, four claimants filed the claim petition claiming compensation to the tune of Rs.10 lacs on account of death of Deepak Kumar in a motor vehicular accident on 04.01.1998. The claimants arrayed the driver as well as State of Punjab through Secretary, Transport Department, Punjab and General Manager, Punjab Roadways, Patiala as party. The said claim petition was partly accepted by the Tribunal and a sum of Rs.1,00,000/- was allowed along with interest @ 12% per annum.

The claimants have preferred the appeal by filing FAO No.1204 of 1999 for enhancement.

The matter went before the Lok Adalat vide order dated 11.09.2000 and the Lok Adalat directed the respondents to pay the amount of Rs.3,11,000/- @ 12% per annum from the date of filing the claim petition i.e. 02.06.1998 till payment.

Thereafter, the dispute arose between the parties as Pepsu Road Transport Corporation, Patiala was not a party at that time and vide CM No.16363 of 2001, Pepsu Road Transport Corporation, Patiala, was arrayed as a party. Pepsu Road Transport Corporation, Patiala, challenged the said order.

The dispute was in respect of involvement of bus

No.PB-11-A-9239.

Learned counsel for PRTC has stated at the bar that the said bus belongs to Pepsu Road Transport Corporation, Patiala and further on instructions he has stated at the bar that Pepsu Road Transport Corporation, Patiala, is ready to pay a sum of Rs.3,11,000/- along with interest @ 7.5% per annum from the date of filing the petition till payment.

The aforesaid offer has been accepted by learned counsel for the appellants.

So, in these circumstances, the Civil Revision as well as appeal stands disposed of in terms of the statements made by the parties.

The petitioner (in CR No.4084 of 2003)-PRTC shall pay the amount of Rs.3,11,000/- along with interest @ 7.5% per annum from the date of application till payment. The amount already paid to the claimants in respect of the said award shall be adjusted against the said claim.

The appeal as well as civil revision stands disposed of, accordingly.

A copy of this order be sent to the Tribunal for compliance.

15.07.2015
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(K.C. PURI)
JUDGE