

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

FAO No.6898 of 2011

Date of Decision: January 27, 2015

The General Manager Uttrakhand Roadways
Repot, Rudarpur

...Appellant

Versus

Kanshi Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.K. Verma, Advocate
for the appellant.

Mr. J.S. Chatrath, Advocate
for Mr. Ashwani Talwar, Advocate
for respondent No.2.

FATEH DEEP SINGH, J.

This is an appeal by the owner of offending bus No.UA-07-M-6683 against an award dated 20.7.2001 of learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri.

After hearing learned counsel for the parties and perusing the records of the case.

The findings returned by the learned Tribunal qua issue No.1 holding that the claimant-Kanshi Ram suffered multiple injuries resulting in his permanent disability due to rash and negligent driving of the offending bus by its driver Sukhdev Singh have not been challenged and, thus, attained finality. The sole contention around which the arguments of the two sides

revolve is over the grant of compensation. The claimant has proved on record his disability certificate Ex.PW6/A issued by the Civil Surgeon, Yamuna Nagar, whereby, he has shown to have suffered 6% permanent disability on the left leg. The Tribunal relying on the testimony of claimant as PW2 taking into consideration the expenses incurred on his treatment proved by PW3 Dr. Dinesh Kaushik and bills Ex.P5 to Ex.P43 and MLR Ex.P1 accepting the stand of the claimant that he was working as Chowkidar awarded a compensation of ₹69,932/- which comprises of compensation for pain and suffering, loss of income and amenities, special diet, service of attendant, transportation and disability and which cannot be found fault with and the learned counsel for the appellant could not convince this Court, how the same was not just and fair and needs to be interfered with. A feeble attempt has sought to be made over the fact that Insurance Company cannot be exonerated by the learned Tribunal due to mere fact that route permit of the offending bus which was effective from 6.11.2008 to 5.3.2009 and that in fact at the time of the accident on 1.11.2008 there was no route permit and, thus, submissions of the counsel for the appellant that the Insurer cannot be absolved needs to be brushed aside and as has been contended by the learned counsel for the respondent-Insurer who has placed reliance on **National Insurance Company Limited vs. Challa Bharathamma and others reported in Vol-3 (2004) ACC 292 SC** that where a vehicle does not have valid and legal route permit the Insurer is certainly not liable and the learned Tribunal has held it so that in the absence of any route permit Insurer cannot be burdened ultimately with payment of compensation and, thus, no fault can

be found with these findings. The appeal thus, being hopelessly without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

January 27, 2015
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