

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.5174-CII of 2015 in/and
FAO No.1746 of 2015 (O&M)
Date of Decision: March 12, 2015**

General Manager, R.S.R.T.C., Churu Depot

...Appellant

Versus

Sumitra Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anil Kumar Gahlawat, Advocate
for the appellant.

INDERJIT SINGH, J.

CM No.5174-CII of 2015

For the reasons mentioned in the application, the same is allowed. The delay of six days in re-filing the appeal is condoned.

FAO No.1746 of 2015 (O&M)

Appellant General Manager, R.S.R.T.C., Churu Depot has filed this appeal against Sumitra Devi and other respondents challenging the award dated 07.11.2014 passed by learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'Tribunal'), vide which the claim of ₹29,73,762/- along with interest @ 7.5% per annum from the date of institution till realization has been awarded.

The brief facts of the case are that on 19.04.2012, Satypal Duhan (since deceased) along with Dr.Ram Swaroop was coming to village Barwa from Siwani on motorcycle bearing registration No.HR-

17-7397 being driven by Dr.Ram Swaroop and Satyapal Duhan was pillion rider. When they reached near the hotel of Suresh Sharma, a bus of Rajasthan depot bearing registration No.RJ-10PA-3303 being driven by respondent No.5 Dhan Singh in a rash and negligent manner and at a high speed came from Hisar side and struck against the motorcycle. Due to the impact of the accident, the occupants of the motorcycle fell down on the road and they were crushed under the rear wheel of the bus due to which they received serious, grievous and multiple injuries and died at the spot. After causing the accident, driver fled away from the spot along with his bus. This incident was witnessed by Jagdish. Regarding the accident, FIR No.79 dated 19.04.2012 under Sections 279 and 304-A IPC was registered against respondent No.5 at police station Siwani. It was alleged that deceased Satyapal Duhan was 55 years old at the time of accident and he was serving as Sub Divisional Agriculture Officer, Siwani drawing salary of ₹48,000/- per month. A sum of ₹50,000/- was spent on transportation of dead body and last rites etc.

At the time of arguments, learned counsel for the appellant simply argued that excessive amount has been awarded by the Tribunal.

I have heard learned counsel for the appellant and have gone through the record.

Learned counsel for the appellant has not argued on any point as to how the amount so awarded has been given in excess by the Tribunal. He has nowhere pointed out whether the salary has

been wrongly assessed or multiplier has been wrongly applied or any amount has been given in excess. The mere argument that amount has been awarded in excess without showing anything and without pointing anything specifically in the award, has no force for admitting the appeal. No other point regarding rash and negligent driving or any other thing has been argued before this Court.

From the perusal of the award dated 07.11.2014 and in view of the arguments of learned counsel for the appellant, I do not find any merit in the present appeal and therefore, the same is dismissed.

March 12, 2015
Vgulati

(INDERJIT SINGH)
JUDGE