

In the High Court of Punjab and Haryana at Chandigarh

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CM No.7377-CII of 2015
and
F.A.O. No.2374 of 2015 (O&M)

.....

Date of decision:20.7.2015

Manpreet Singh alias Mani

.....Appellant

v.

Ram Karan and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Liaqat Ali, Advocate the appellant.

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Inderjit Singh, J.

CM No.7377-CII of 2015:

For the reasons mentioned in the civil miscellaneous application, the delay of 117 days in filing the appeal is condoned.

The civil miscellaneous application stands disposed of.

F.A.O. No.2374 of 2015:

This appeal has been filed by Manpreet Singh alias Mani-appellant (driver of offending vehicle motorcycle bearing registration No.PB-04D-9877) against Ram Karan and Gurmeet Kaur-claimants and owner and Insurance Company-respondents No.3 and 4 of offending vehicle challenging the award dated 30.8.2013 passed by the Motor Accident

Claims Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal'), vide which the claim petition filed by Ram Karan and Gurmeet Kaur-claimants has been accepted and an award of ₹3,95,000/- as compensation to be paid to the claimants along with interest @6% per annum from the date of filing of petition till realization has been passed against Manpreet Singh alias Mani and owner of vehicle (respondents No.1 and 2) jointly and severally.

Learned counsel for the appellant argued that no accident has taken place with the vehicle in question and further he argued on the quantum of compensation also.

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

The brief facts of the case are that on 7.11.2010 Navdeep Singh along with Saleem Khan was going from Lohat Baddi to Brahmpur and claimant Ram Karan was following them on his cycle. Navdeep Singh was sitting on the rod of the cycle while Saleem was plying the cycle. At about 5.30/6.00 p.m., a motorcycle being driven by respondent No.1 came from Brahmpur side at full speed in a rash and negligent manner without blowing horn and struck into the cycle of Saleem, as a result of which both Saleem and Navdeep fell down on the road and suffered accidental injuries. Navdeep Singh was taken to Life Care Hospital, Raikot, where after medical check-up he was declared to be dead. FIR was also registered. The deceased was 23 years of age and was self-employed. His monthly income was ₹30,000/-.

The Tribunal after framing the issues and after the parties led

the evidence held that the accident occurred due to rash and negligent driving of present appellant-Manpreet Singh alias Mani and after assessing the income of the deceased at ₹5,000/- per month and after making deduction of 50% because the deceased was unmarried and by applying the multiplier of 13, compensation came to ₹3,90,000/-. The Tribunal further awarded ₹5,000/- as funeral expenses and total award of ₹3,95,000/- has been passed.

A perusal of the finding on the quantum of compensation shows that the compensation cannot be held as excessive. Firstly, the deceased was of the age of 23 years and multiplier of only 13 has been applied by the Tribunal. No amount has been given on the basis of love and affection. Only ₹5,000/- has been given as funeral expenses and further the deceased was doing Gold Smith work and his income has been assessed at ₹5,000/- per month only which is of a manual labourer. No future prospectus has been given.

Therefore, keeping in view the above discussion, I find that, in no way, the quantum of compensation given by the Tribunal can be held as excessive. Therefore, I do not find any merit in the argument of the learned counsel for the appellant.

Further, I find that in the present case, the claim petition has been filed by father of the driver as guardian by showing that the appellant was minor at the time of accident. The appellant was driving the motorcycle without a driving licence as he was minor at that time. Otherwise also, the eye witness had come to the witness box and deposed regarding the rash and

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negligent driving. The FIR had also been registered in this case.

Keeping in view the evidence on record and in view of the fact that oral statement is also supported by documentary evidence i.e. FIR, the version given by the Driver and his father Jagpal Singh, who is held to be owner of the motorcycle, and the driver has not filed any representation or complaint to the higher authorities regarding false implication of the appellant and regarding false involvement of the motorcycle, I find that the version given by RW-1 Manpreet Singh and RW-2 Jaspal Singh cannot be believed. Therefore, the findings given by the Tribunal are correct and as per law, which do not require any interference from this Court and the same are upheld.

Therefore, from the above, finding no merit in the appeal, the same is dismissed.

July 20, 2015.

(Inderjit Singh)
Judge

hsp