

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

F.A.O No. 4617 of 2013

Date of decision:- 22.09.2015

Shriram General Insurance Co. Ltd.

...Appellant

Versus

Surender Singh Dahiya & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. T.K. Joshi, Advocate
for the appellant

Mr. Ashiot Malik, Advocate
for respondent Nos. 1 to 3.

Mr. Tarun Jhatta, Advocate for
Mr. Pardeep Bajaj, Advocate
for respondent No.4

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI J.

C.M. No. 19435-CII of 2015

For the reasons mentioned in the application, delay of 107
days in filing the present appeal is condoned.

The application stands disposed of accordingly.

F.A.O No. 4617 of 2013

This appeal is by the insurance company disputing the
liability foisted upon it by the Motor Accident Claims Tribunal, S.A.S

Nagar (for brevity, 'Tribunal'), vide its order dated 11.02.2013 whereby the appellant-Company (for short 'the appellant') was held liable to make the compensation to the tune of Rs.10,37,500/-.

On 11.11.2010, Surender Singh and his wife Meena and son Rahul were going on their motorcycle TVS Victor bearing registration No. HR-10H-4784 and the motorcycle was being driven by Surender Singh and when they were getting down from railway over bridge towards old D.C. Road, a truck bearing registration No. HR-W-4195 being driven by respondent No. 1 came at a very high speed and one accent car bearing No. DL-3CV-0474 being driven by Kapil in a rash and negligent manner came from behind and the driver of the car struck his car from conductor side in the truck and therefore had hit the motorcycle of the claimant. On account of the said accident, Surender and his family sustained injuries. His wife Meena died on the spot. The injured were taken to Government Hospital, Sonapat. The deceased was B.A., M.A., Bed and JBT and was doing the tuition work. She was selected as JBT teacher by Government of Haryana and had died before joining the said job. The learned Tribunal took the notional income of the deceased at Rs.7500 per month and applied the multiplier of 17 and $1/3^{\text{rd}}$ was deducted towards personal expenses. Rs.5000 was granted towards funeral expenses and Rs.7500

towards loss of estate. Rs.5000 was granted towards loss of consortium. The total compensation of Rs.10,37,500/- was awarded to the claimants.

Learned counsel for the appellant argued that in the present case, F.I.R was registered on the statement of Surender Singh, who stated that the accident was caused by the above mentioned truck, which was being driven by respondent No. 6. This truck also hit the offending car. However, later on complainant got recorded his supplementary statement and asserted that the above mentioned Accent car struck against the truck from conductor side and then hit the motorcycle driven by the claimant and due to which, the motorcycle had fallen down and the truck crushed his motorcycle and dragged the claimant and his family members. But the learned Tribunal has wrongly held guilty both the vehicles in causing the accident because as per facts mentioned in the F.I.R, it is the only truck which has caused the accident and there was no fault on part of the driver of the car.

This argument of learned counsel is liable to be set aside, as the learned Tribunal has dealt with this argument and held that the claimant has duly got recorded his statement within two days of the accident correcting his previous statement, upon which F.I.R was

lodged and duly disclosed that correct facts should not be disclosed by him on account of shock due to death of his wife. There was no reason with the petitioner to falsely implicate the driver of the car, as there was no enmity between them.

The next argument of learned counsel for the appellant is that the compensation awarded to the Tribunal is on the higher side, is liable to be rejected at the outset, in view of the latest judgments of Hon'ble the Supreme Court.

In view of the above mentioned judgment, the appeal is dismissed being devoid of any merit.

22.09.2015

G Arora

(**RITU BAHRI**)
JUDGE