

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

**1. FAO No.2392 of 2015 (O&M)
Date of Decision: April 10, 2015**

General Manager, Rajasthan Roadways .. Appellant

vs.

Harpreet Kaur and others .. Respondents

**2. FAO No.2393 of 2015 (O&M)
Date of Decision: April 10, 2015**

General Manager, Rajasthan Roadways .. Appellant

vs.

Paramjit Kaur and others .. Respondents

**3. FAO No.2394 of 2015 (O&M)
Date of Decision: April 10, 2015**

General Manager, Rajasthan Roadways .. Appellant

vs.

Avinash Rani and others .. Respondents

**4. FAO No.2395 of 2015 (O&M)
Date of Decision: April 10, 2015**

General Manager, Rajasthan Roadways .. Appellant

vs.

Sunita and others .. Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.

By this single judgment, I shall dispose of four cases being FAO Nos.2392 to 2395 of 2015, arising out of the same accident.

Brief facts of the case are that on 27.07.2012, Buta Singh along with Suraj Parkash, Mohit, Malkiat Singh, Bikramjit Singh and Kuldeep Singh was returning from Kochi in Tavera Car bearing registration No.PB-13S-9637 and Kuldeep Singh was driving the said car. The other followers of the sect were following the said car in their separate vehicles. At about 4.00 p.m., when they reached Megha Highway, near village Bhojasar, a bus bearing registration No.RJ-31PA-1220 belonging to Rajasthan Roadways being driven rashly and negligently by Jaswinder Singh-respondent, came from opposite side and rammed into aforesaid Tavera car. As a result of the accident, all the six occupants died at the spot.

The Motor Accident Claims Tribunal, Sangrur (in short 'the Tribunal') negated the contention of the Rajasthan Roadways that there was a contributory negligence on the part of the driver of the Tavera car and accordingly, awarded various compensation to the claimants, in separate claim petitions, which were decided by separate orders.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

Learned counsel for the appellant has argued that in this case, future prospects were wrongly allowed. It has been further

argued that the matter is pending before the Hon'ble Apex Court.

I am of the view that the authority of previous judgment in case of “***Rajesh vs. Rajbir Singh 2013 (9) SCC, 54***, has not been set aside. The mere pendency of the another matter before the Hon'ble Apex Court, is no ground to disallow the future prospects.

Learned counsel for the appellant has further argued that there is a contributory negligence on the part of the driver of Tavera car.

This aspect was thoroughly examined by the Tribunal. It has come from the statement of Satpal, eye witness that there was a curve at the place, where the accident took place. The driver of the offending bus was overtaking the another vehicle and in this process, hit the Tavera car, coming from opposite side.

I am of the view that the findings of the Tribunal are correct to the extent that there was no contributory negligence. First of all, when there was a curve at the road, the driver of the offending bus was not supposed to overtake another vehicle and if he wanted to overtake, it was his duty to see as to whether the road is clear. He had failed in his duty and tried to overtake the bus without caring for the traffic coming from opposite side and this process, hit the Tavera car. In this way, there is no contributory negligence on the part of the driver of Tavera car. Moreover, when the driver of the offending bus was booked for rash and negligent driving and was tried by a criminal court, no complaint was ever made that there was a fault on the part of Tavera car also.

It being so, I do not find any ground to condone the delay in filing the aforesaid appeals. Consequently, the accompanied applications for condonation of delay in filing the appeals are dismissed. Accordingly, all the appeals are also dismissed.

April 10, 2015
sarita

(KULDIP SINGH)
JUDGE