

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

1. **FAO No.3622 of 2015 (O&M)**
Date of Decision: May 19, 2015

Manpreet Singh @ Rinku .. **Appellant**

vs.

Karamjit Kaur .. **Respondent**

2. **FAO No.3627 of 2015 (O&M)**
Date of Decision: May 19, 2015

Manpreet Singh @ Rinku .. **Appellant**

vs.

Karamjit Kaur .. **Respondent**

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Mohit Malik, Advocate for the appellant.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ? Yes.*
- 2. To be referred to the Reporters or not ? Yes.*
- 3. Whether the judgment should be reported in the Digest? Yes.*

Kuldip Singh J.

This order of mine will dispose of two appeals bearing
FAO Nos. 3622 and 3627 of 2015 filed by the owner-cum-driver
against the Awards dated 11.02.2015 passed by the Motor Accident
Claims Tribunal, SAS Nagar Mohali in claim petition Nos.60 and 61
of 24.04.2014 filed under Section 166 of the Motor Vehicles Act,
1988 by Karamjit Kaur on account of injuries received by her and on
account of death of her son in the same accident.

Brief facts of the case are that, Karamjit Kaur-claimant (respondent herein) claimed that on 23.02.2014, she along with her son Taranjot Singh riding pillion of a motorcycle bearing registration No.PB-65-G-2961 driven by her son, were going from Kharar to Khanpur. One Harsangat Singh on a separate motorcycle bearing registration No.CH-03L-1832 was also going from the same way. At about 6.00 p.m., when claimant Karamjit Kaur and her son Taranjot Singh reached near traffic lights at Kharar, the present appellant Manpreet @ Rinku brought his Lancer Car bearing registration No.PB-65M-0097 being driven in a rash and negligent manner without blowing any horn struck against the motorcycle driven by Taranjot Singh. As a result of which both fell down and received grievous injuries. Both of them were removed to Civil Hospital, Kharar from where they were referred to GMCH, Sector 32, Chandigarh. The claimant Karamjit Kaur discharged from there on 10.03.2014. However, her son Taranjot Singh succumbed to injuries on 13.03.2014. In this regard, FIR No.51, dated 13.03.2014 was registered under Sections 279 and 304-A IPC, at Police Station City Kharar. In claim petition No.61 of 24.04.2014, regarding the death of her son Taranjot Singh, the Tribunal awarded ₹14,83,000/- (rupees fourteen lac eighty three thousand only) whereas in claim petition No.60 of 24.04.2014, regarding the injuries received by claimant-Karamjit Kaur, ₹26,065/- (rupees twenty six thousand sixty five only) along with interest @ 6% per annum from the date of filing of the

claim petition till its realization in both the claim petitions. The respondent (appellant herein) was held liable to pay the said compensation.

Feeling dissatisfied with the Awards, the owner-cum-driver of the offending vehicle has come up in the present appeals.

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

Learned counsel for the appellant has argued that in this case, Harsangat Singh, who lodged the FIR, was not examined. However, Karamjit Kaur-calimant, who was injured in the accident had appeared to support her case and her evidence was wrongly believed by the Tribunal.

Learned counsel of the appellant has further argued that the vehicle of the present appellant was not involved in the accident and there was a delay in recording the FIR.

In this case, the accident took place on 23.02.2014 and the FIR was registered on 13.03.2014. After the accident, the claimant along with her son Taranjot Singh were admitted in the hospital. Taranjot Singh succumbed to injuries on 13.03.2014. First of all, the claimant was looking after herself and her son and when her son died, she lodged the FIR. Therefore, the delay in lodging the FIR in these circumstances cannot be considered unnecessary.

It is not denied by the present appellant that after the investigation, challan has been presented against him and he is

facing trial. Therefore, the evidence of the claimant was rightly believed by the Tribunal.

Learned counsel for the appellant has further argued that the vehicle of the claimant as well of the appellant were insured but the Insurance Company was not made the party.

However, in the written statement, no such plea was raised and at this stage, it cannot be allowed to be raised. If the vehicle was insured, the appellant must have impleaded the Insurance Company as a party.

Therefore, there is no illegality or infirmity in the impugned Awards. Thus, both the appeals are dismissed.

May 19, 2015
sarita

(KULDIP SINGH)
JUDGE