

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) **FAO No.3956 of 2015 (O&M)**

Raghvir Singh

...Appellant

Versus

Tarsem Singh and others

...Respondents

(2) **FAO No.3957 of 2015 (O&M)**

Raghvir Singh

...Appellant

Versus

Avtar Singh and others

...Respondents

Date of Decision: June 29, 2015

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anish Garg, Advocate
for the appellants.

INDERJIT SINGH, J.

CM No.12286-CII of 2015 in FAO No.3956 of 2015

For the reasons mentioned in the application, the same is allowed. The delay of 614 days in filing the appeal is condoned.

CM No.12290-CII of 2015 in FAO No.3957 of 2015

For the reasons mentioned in the application, the same is allowed. The delay of 615 days in filing the appeal is condoned.

FAOs No.3956 and 3957 of 2015

Both the above-mentioned FAOs are taken up together for

disposal being arisen from two Awards of same occurrence.

Both the above-mentioned FAOs have been filed by Raghvir Singh (owner of offending tractor trolley bearing registration No.HR-35-7220) against the claimants-respondents, and Prithvi Raj Singh, driver and United India Insurance Company Ltd., insurer of offending vehicle, challenging the impugned Awards dated 19.07.2013 and 20.07.2013 passed by learned Motor Accidents Claims Tribunal, Patiala (hereinafter referred to as 'Tribunal'), whereby compensation to tune of ₹2,19,219/- has been awarded to claimant-injured Avtar Singh vide Award dated 19.07.2013 and ₹2,25,000/- to Tarsem Singh and ₹6,73,000/- to Shivani vide Award dated 20.07.2013, on account of death of Balwinder Singh.

The brief facts of the case are that on 06.01.2010, Avtar Singh was sitting on pillion seat of Bajaj Chetak Scooter bearing registration No.CH-01M-3187 being driven by Balwinder Singh. They were going from village Bathiana to village Mirjapur. Their scooter was on left side of the road and being driven at a moderate speed. At about 11.30 A.M., when they reached near Manakpur Grid, a tractor trolley bearing registration No.HR-35-7220 (offending vehicle) came from opposite side being driven rashly and negligently in a zig-zag manner by respondent-driver Prithvi Raj Singh. Balwinder Singh took his scooter at the extreme left side of the road but the offending vehicle came to the wrong side and hit the scooter. Balwinder Singh succumbed to the injuries on the spot and Avtar Singh suffered fracture of right elbow, fracture of right femur and fracture of right foot.

FIR was got registered.

Respondent-owner filed reply and denied the accident in question. Respondent-Insurance Company admitted that the vehicle was insured but raised the plea that respondent-driver was not holding a legal and valid driving licence.

Learned Tribunal after discussing the evidence on record and law, held that the copy of the driving licence Ex.R-3 produced by the respondents shows that respondent-driver was authorized to drive the scooter and car and not the tractor trolley and therefore, held that driver was not having valid driving licence and awarded compensation of ₹2,19,219/- to Avtar Singh for the injuries suffered by him and compensation of ₹8,98,000/- to the claimants Tarsem Singh and Shivani on account of death of Balwinder Singh.

Learned counsel for the appellant, at the time of arguments, argued that respondent-driver was holding a valid and legal driving licence.

After hearing learned counsel for the appellant and after going through the record, I find that the Tribunal while passing the impugned Awards relied upon the law laid down by this Court, wherein it is held that the licence held by the driver for driving the scooter and car, cannot be said to be valid and effective driving licence for driving the tractor. Learned counsel for the appellant has not shown any law against the above-said law. Therefore, the findings of the Tribunal that the driver of the tractor trolley was not holding a valid and legal driving licence, are correct and as per law. Learned counsel for the

appellant has not shown any law that a person holding a driving licence for driving scooter and car, can also drive a tractor trolley.

Therefore, finding no merit in both the FAOs i.e. FAO No.3956 and 3957 of 2015, the same are dismissed.

June 29, 2015
Vgulati

(INDERJIT SINGH)
JUDGE