

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

(1)

**FAO No.5213 of 2015 (O&M)
Date of Decision: August 11, 2015.**

The New India Assurance Company Limited

.....APPELLANT(s).

VERSUS

Jaswinder Kaur and others

.....RESPONDENT(s).

(2)

FAO No.5220 of 2015 (O&M)

The New India Assurance Company Limited

.....APPELLANT(s).

VERSUS

Manju Rani and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Banni Thomas, Advocate
for the appellant (s).

SURINDER GUPTA, J.

This order shall dispose of both the afore-mentioned appeals preferred against two separate awards passed by Motor Accident Claims Tribunal, Fatehgarh Sahib.

Heard.

As per the case of claimants, on 08.08.2013, Rahul Kumar, Manpreet Singh and Jagdeep Singh were going on a motorcycle bearing

No.PB-23-D-7614 (Super Splendor) from Sirhind to Fatehgarh Sahib. At about 8.00 a.m. when they reached near Mahesh Hospital on Sirhind-Fatehgarh Sahib road, a truck bearing registration No.PB-12-N-7872 came from opposite side. It was being driven in a rash and negligent manner by Sanjeev Kumar respondent No.3. The truck hit the motorcycle, as a result of which all the occupants of the motorcycle fell down and sustained grievous injuries. Motorcycle was also badly damaged. Rahul Kumar, who received injuries, was taken to Civil Hospital, Fatehgarh Sahib from where he was referred to PGI, Chandigarh but succumbed to the injuries on the way. Manpreet Singh, other occupant of the motorcycle died at the spot.

The Tribunal awarded compensation of ₹.5,65,000/- to the dependents of Rahul Kumar and Manpreet each along with interest @ 7% per annum from the date of filing of the petitions till the realization of award amount.

Learned counsel for the appellant-insurance company has argued that Jagdeep Singh, who was driving the motorcycle, was 17 years of age at the time of accident and was not possessing any driving licence. Jagdeep Singh along with Manpreet and Rahul were going triple riding on the motorcycle, thereby violating the traffic rules.

On perusal of the award passed by the Tribunal, I find that there was no plea or evidence that Jagdeep Singh was 17 years of age and was not possessing any driving licence. The mere fact that deceased were going in triple riding on the motorcycle is not a reason to decline the petition seeking compensation under Section 166 of the Motor Vehicles Act, 1988. It was

specifically proved on the record that the accident had not taken place due to

negligence of the driver of the motorcycle, rather, it had taken place due to rash and negligent driving of the truck by Sanjeev Kumar, respondent No.3.

No other point has been argued by learned counsel for the appellant.

In view of the above discussion, I find no reason to interfere with conclusion arrived by the Tribunal or the quantum of compensation awarded.

Both these appeals have not merits. Dismissed.

August 11, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE