

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

	(1)	FAO No.7511 of 2014 (O&M)
Gurnam Singh		...Appellant
	Versus	
Neelam and others		...Respondents
	(2)	FAO No.7537 of 2014 (O&M)
Gurnam Singh		...Appellant
	Versus	
Simran and others		...Respondents
	(3)	FAO No.7538 of 2014 (O&M)
Gurnam Singh		...Appellant
	Versus	
Taranjit and others		...Respondents
	(4)	FAO No.7539 of 2014 (O&M)
Gurnam Singh		...Appellant
	Versus	
Neelam and others		...Respondents
	(5)	FAO No.7540 of 2014 (O&M)
Gurnam Singh		...Appellant
	Versus	
Gurmeet Kaur @ Gurmeeto and others		...Respondents

Date of Decision: June 30, 2015

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Sushma Chopra, Advocate
for the appellants.

Mr.Ramesh Sharma, Advocate
for respondent-claimant Neelam
(in FAO Nos.7539 and 7511 of 2014)

INDERJIT SINGH, J.

All the above-mentioned FAOs are taken up together for

disposal being arisen from same occurrence.

All the above-mentioned FAOs have been filed by Gurnam Singh, driver of canter bearing registration No.PB-29A-9661 (offending vehicle) against the claimants-respondents and Jasvir Singh, owner, Jagjit Singh, co-owner and Insurance Company of offending vehicle, challenging the impugned Awards dated 23.05.2014 passed by learned Motor Accidents Claims Tribunal, Jalandhar (hereinafter referred to as 'Tribunal'), whereby compensation to tune of ₹1,86,600/- to claimant-injured Neelam (in MACT case No.29841 of 2013), ₹78,520/- to claimant-injured Simran (in MACT case No.29840 of 2013), ₹42,800/- to claimant-injured Taranjit (in MACT case No.29842 of 2013), ₹7,79,200/- to claimants Neelam, Simran, Taranjit, Gurmeeto and Swaran Dass on account of death of Gurdev Singh (in MACT case No.29843 of 2013) and ₹62,110/- to claimant-injured Gurmeet Kaur @ Gurmeeto (in MACT case No.29844 of 2013) have been awarded along with interest @ 9% per annum from the date of filing of claim petition till realization.

The brief facts of the case are that on 03.02.2012, Neelam along with her husband Gurdev Singh, minor children, relative Shinder Singh and his wife, was going from Jamsheer to Gohrian in a car driven by Gurdev Singh. When they crossed the school ground of Gohrian, a canter bearing registration No.PB-29A-9661 (offending vehicle) being driven by present appellant-driver very rashly and negligently and at a very high speed, came from Nakodar side and in the process of overtaking another vehicle, it came on the wrong side of the road

and struck against the car. As a result of which, all the occupants of the car received multiple and grievous injuries and the car was badly damaged. Soon after the accident, Gurdev Singh succumbed to the injuries. All the injured were taken to Kamal Hospital for treatment.

Upon notice, respondent-driver Gurnam Singh (present appellant), in the written statement took the plea that no accident has taken place with the offending vehicle. He further pleaded that he is neither owner nor engaged as driver of the said vehicle. Respondent-owner Jasvir Singh filed separate written statement and pleaded that he and Jagjit Singh have already sold the vehicle to Gurnam Singh on 10.12.2010 and delivered possession of vehicle to him. Respondent-Jagjit Singh co-owner also filed written statement that he and Jasvir Singh have already sold the offending vehicle to Gurnam Singh and also delivered the possession to him.

Learned Tribunal, after going through the record, awarded the compensation as stated above.

After preliminary hearing, notices were issued only to the owners of the offending vehicle and appeal qua the claimants was dismissed. As the vehicle was not insured with the Insurance Company, therefore, appeal qua Insurance Company was also dismissed. Therefore, now the present appeals are against the owner and co-owner only. The owner and co-owner, did not appear to contest the appeals.

I have heard learned counsel for the appellant and have gone through the record.

Learned counsel for the appellant argued that Award should be set aside. On this argument, I find that as the appeal against the claimants have already been dismissed at the preliminary stage, therefore, this argument of learned counsel for the appellant has no merit. The Award cannot be set aside as the appeals against the claimants in all these cases have already been dismissed. The vehicle was also not insured, therefore, there is no insurance company in this case which can be held liable. Learned counsel for the appellant further argued that appellant-driver has already made compromise with the claimants. On this argument, I find that even notice to the claimants was given and counsel for the claimant Neelam also appeared in these appeals but as the appeals have already been dismissed qua the claimants, therefore, no relief can be given against the claimants in these appeals. As regarding the compromise, if any, took place between the driver and claimants of these appeals, the driver-appellant can take this plea before the executing Court if any execution is filed against him.

In view of above discussion, I do not find any merit in all the above-stated FAOs and the same are dismissed.

June 30, 2015
Vgulati

(INDERJIT SINGH)
JUDGE