

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

FAO No. 9560 of 2014 (O&M)

Date of decision : September 07, 2015

* * * * *

Oriental Insurance Company Limited

.....Appellant

Versus

Sughari and others

.....Respondents

* * * * *

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

* * * * *

Present: Mr. Harsh Aggarwal, Advocate for the appellant.

Mr. Shiv Kumar, Advocate for respondents no. 1 & 2.

Mr. Rajiv Sharma, Advocate for respondents no. 3 & 4.

* * * * *

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?*

RITU BAHRI, J

The Oriental Insurance Company Limited-appellant has come up in this appeal against the order dated 12.8.2014 passed by the Motor Accidents Claims Tribunal, Faridabad, whereby a compensation of Rs. 8,68,600/- has been awarded to the claimant on account of death of Chennai in a motor vehicle accident and respondents were jointly and severally held liable for payment of amount of compensation.

Brief facts of the case are that on 21.3.2013 deceased along with Ramesh was going on foot to Plot No.246, Sector-24,

Faridabad for doing his job. At about 7:50 a.m, they reached at the turn of plot No.136 T-Point, Sector-24, Faridabad. Ramesh was walking 3-4 steps ahead of deceased Chennai and both were walking on the extreme side of the road. In the mean time vehicle Hydra Crane bearing registration No. HR-38R-7340 being driven by its driver very rashly, negligently, carelessly and at a very high speed came from behind and hit the deceased from conductor side and front wheel of the offending crane run over the deceased from knee to head. He died at the spot. The post mortem examination on the dead body was conducted at B.K Hospital, Faridabad. On the statement of Ramesh, FIR No.125 dated 21.3.2013 under Sections 279, 304-A IPC was registered at Police Station Mujessar, Faridabad.

On account of death of Chennai, claimants filed claim petition under Section 166 of the Motor Vehicles Act, 1988 bearing MACT Case No. 172 which was partly allowed by the Tribunal and a sum of Rs.8,68,600/- was awarded as compensation on account of death of Chennai. Respondents were jointly and severally held liable for payment of the amount of compensation.

Aggrieved with the impugned award, the Insurance Company has preferred the present appeal.

I have heard the counsel for the parties and perused the records of the case. The factum of accident is admitted and proved. The deceased died as a result of the accident.

The argument of the counsel for the appellant that the number of the vehicle in question had been wrongly mentioned by

the police officials in the FIR as HR-38K-7340 instead of HR-38R-7340 does not carry any weight. It was only due to inadvertence that the police officials written number of the offending vehicle as HR-38-K-7340 instead of HR -38R-7340 and police again recorded correct supplementary statement mentioning the correct registration number of the offending vehicle. Even in the police report filed under Section 173 Cr.P.C Ex.P-1, the number of the offending vehicle has been mentioned as HR-38-R-7340. Hence the finding of the tribunal that the accident had taken place due to rash and negligent driving of Hydra Crane No. HR-38-R-7340 by respondent no.1 which resulted into serious injuries to the claimant does not require any interference.

On the question of assessment of compensation, the Tribunal has rightly recorded a finding that the deceased was getting a salary of Rs.5500/- per month as categorically stated by the Claimant Sughari in an affidavit Ex. PW1/A.

In the given set of facts and circumstances of the case, there is no ground to challenge the award of the Tribunal. In view of all that has been discussed above, present appeal is dismissed.

September 07, 2015
ritu

(**RITU BAHRI**)
JUDGE