

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

F.A.O. No.1145 of 1991 (O&M)

Date of decision: 02.03.2016

P.R.T.C. Patiala

...Appellant

Versus

Sukhwinder Kaur & others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Bishnoi, Advocate for
Mr. Sumit Jain, Advocate for the appellant.

Jitendra Chauhan, J.

This appeal is directed against the award dated 27.05.1991, passed by the Motor Accident Claims Tribunal, Patiala (for short, the 'Tribunal') vide which the respondents were awarded compensation of Rs. 1.92 lacs.

The widow, minor son, daughter and mother of the deceased, Surjit Singh had filed the claim petition under Section 110-A of Motor Vehicles Act, 1939. It was pleaded that on 15.02.1989 at about 7.30 p.m, the deceased, Surjit Singh was standing on Patiala-Rajpura road near petrol pump of Bhadak

and was waiting for the vehicle to load vegetables for Chandigarh. In the meantime, a bullock cart laden with “carrot” owned by one Hari Ram Ramdasi of village Said-Kheri was parked on the kacha side of the road whereas, on the same side, the tractor-trolley owned by the deceased and his brother had been parked, when Sansar Singh, driver of P.R.T.C. Bus No. PJG 7333, rashly and negligently, without blowing its horn crushed and run over the deceased, Surjit Singh, who later on succumbed to his injuries.

Vide Award dated 27.05.1991, the claim petition was allowed and compensation of Rs. 1.92 lacs was awarded to the claimants. The P.R.T.C. has filed the instant appeal challenging the issue of negligence.

It is contended on behalf of the appellant that there was no negligence on the part of driver of the bus. In fact, the bus driver was driving the vehicle on its correct side. All of a sudden, a scooterist came from the petrol pump and the driver took his bus to his right hand side in order to save the scooterist and in the process, his bus struck against the cart. The driver stopped the bus. In this regard, reference is made to the

statement of Sansar Singh, RW-1.

The plea taken by the appellant is nothing but a cock and bull story. It was never the stand of the appellant in his written statement before the Tribunal that the accident occurred in the process of saving a scooterist. The stand taken in the written statement is that of denial only. The evidence of RW-1, Sansar Singh, the driver of the bus being beyond pleadings cannot be looked into. The presence of Baldev Singh stands fully established because both the brothers were present near petrol pump with their tractor trolley on which they brought vegetables for loading the same in a truck. One Hari Ram and another owner of the cart were also present there. The findings recorded by the Tribunal do not call for any interference. Consequently, the present appeal is dismissed.

02.03.2016
SN

(JITENDRA CHAUHAN)
JUDGE