

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

FAO No.2387 of 2013 (O&M)

Date of decision : 01.09.2016

Managing Director and others

.....Appellants

Versus

Vijay Lakshmi and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Ajaib Singh, Additional Advocate General
for the appellants.

Respondents are proceeded against *ex parte*.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 18.02.2013 passed by learned Motor Accidents Claims Tribunal, Amritsar (hereinafter called the “Tribunal”) whereby the claimants-respondents No.1 & 2 have been awarded compensation to the tune of Rs.9,64,000/- on account of death of Ravi Kumar in the motor vehicular accident which took place on 27.02.2012.

2. Present appeal has been preferred by by the appellants-owners of the bus bearing registration No.PB02-BF-9841 assailing the award of compensation.

3. I have heard learned counsel for the appellants and have gone through the record of the case carefully.

4. Initiating the arguments, Mr. Ajaib Singh, learned Additional Advocate General for the appellants contended that the

respondents No.1 & 2-claimants were not able to establish that the accident has taken place due to rash and negligent driving of bus bearing registration No.PB02-BF-9841 by respondent No.3 Jaswant Singh alias Jassa. He contended that from the statements of RW1 Jaswant Singh, the driver of the bus and RW2 Gurpreet Singh the conductor of the bus, it is established that the said bus was not at all involved in the present accident. Respondent No.3 Jaswant Singh, the driver of the bus in question, has been falsely implicated in this accident only to extract the compensation.

5. I have duly considered the aforesaid contentions.

6. As per the case of the claimants, on 27.02.2012, deceased Ravi Kumar along with his son Vikas Kumar was coming towards Hall Gate from Railway Station, Amritsar on motorcycle bearing registration No.PB02-BC-3760. At about 10:00 a.m., when they reached near fruit shops, beneath Bhandari bridge, they stopped the motorcycle to buy the fruits. Deceased Ravi Kumar went to purchase the newspaper from the Hall Gate and started towards Hall Gate on his motorcycle. When he had gone just 4/5 feet ahead, the bus bearing registration No.PB02-BF-9841 came from behind at a fast speed without blowing any horn being driven in a rash and negligent manner by its driver Jaswant Singh and struck the side of the bus against the motorcycle. Due to the said impact, deceased Ravi Kumar suffered the fatal injuries. The criminal case was registered against respondent No.3 Jaswant Singh on the statement of Vikas Kumar the son of the deceased.

7. Respondent No.3 Jaswant Singh, the driver of the bus

contested the claim petition on the plea that the false criminal case has been registered against him. No alleged accident was caused by him. The appellant also took the plea that accident has taken place due to rash and negligent driving of motorcycle No.PB-02-BC-3760. Vikas Kumar, the witness of the occurrence has appeared as PW1 and fully supported the averments raised in the plaint. He categorically deposed that the bus in question was being driven by respondent No.3 Jaswant Singh in a rash and negligent manner and it struck against the motorcycle of his father. Due to this accident, his father fell with the motorcycle and received serious injuries. The statement of Vikas Kumar is also corroborated from the fact that FIR Ex.P6 with respect to this occurrence has registered against respondent No.3 Jaswant Singh on the same day *i.e.* 27.02.2012, when the accident took place, without any loss of time. The accident has taken place at about 10:00 a.m. and the FIR was registered at about 02:20 p.m. *i.e.* just after four hours. In the FIR Ex.P6, involvement of the bus bearing registration No.PB02-BF-9841 is categorically mentioned. Thus, the plea raised by learned counsel for the appellants that the bus in question was not involved in this accident carries no substance.

8. No doubt the appellants have examined RW1 Jaswant Singh the driver of the bus who has deposed that he did not cause any accident with the said bus on the alleged date and time, but in the cross-examination he admitted that the criminal case has been registered against him. He further stated that he has not filed any appeal or revision against the registration of the said case. He has also not filed any application before the

police or higher authorities that the false FIR has been registered against him. RW2 Gurpreet Singh was the colleague of respondent No.1 Jaswant Singh being the conductor of the bus, so it is but natural that he will come forward to support the cause of his colleague.

9. The bus in question is owned by the Punjab Roadways, the government agency. It is not possible that the bus owned by the government will be falsely implicated. If there would have been the false implication, respondent No.3 Jaswant Singh the driver of the bus must have made the representation to his senior officers, who could have easily taken up the matter with the police authorities for the false implication. But no such steps have been taken by respondent No.3 Jaswant Singh the driver of the bus. So, there is no reason to disbelieve the evidence adduced by the claimants in order to establish the involvement of the bus bearing registration No.PB02-BF-9841 in the present accident and the rash and negligent driving of the said bus by respondent No.3 Jaswant Singh, the driver of the bus.

10. Thus, the findings of the learned Tribunal on the issue of negligence require no interference.

11. No other point was argued before me.

12. Consequently, the present appeal has no merits and the same is hereby dismissed.

01.09.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No