

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

FAO No.1561 of 2016 (O&M)
Date of Decision: **March 16, 2016**

Uttar Pradesh State Roadways Transport Corporation
...Appellant

Versus

Chanderwati and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: - Mr.Sandeep Kotla, Advocate
for the appellant.

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HARINDER SINGH SIDHU, J.

Balbir, aged 46 years lost his life in a vehicular accident, which occurred on 23.2.2015 at about 7.00 pm on the GT Road, village Sarai. He was going on motor cycle No.HR-50D-4915, when he was hit by Bus No.UP-85Z-9731 driven by respondent No.7 Anil Kumar.

On a claim petition filed by the widow, three children and the parents of the deceased, the MACT, Palwal awarded compensation of Rs.9,42,000/- along with interest @ 7.5% per annum, payable by the appellant and respondent No.7 jointly and severally.

Challenging the award, Ld. Counsel for the appellant has argued that the accident had occurred on 23.2.2015, but in this regard FIR was registered after a delay of one day i.e. on 24.2.2015 at about 12.30 pm and the number of the bus was disclosed therein for the first time. Assessment of the income of the deceased @ Rs.8000/- per month is also stated to be on higher side.

I have heard Ld. Counsel for the appellant and gone through the

paper-book of the case.

The accident occurred in the late evening on 23.2.2015, which was a winter time. No family member of the deceased was with him at the time of accident. Many persons had gathered at the spot including Jiwan Lal (PW1). The injured was taken to the General Hospital, Palwal, where, he was declared as 'brought dead'. The FIR was registered the next morning on the statement of eye witness Jiwan Lal. This would not of itself lead to any inference that a false and concocted version was got recorded. As per the statement of RW-1, the driver of the offending bus itself, the bus was intercepted on the same day (23.2.2015) after the accident at the toll gate on the allegation that he had caused the death of a person in the accident. It has come on record that the driver of the offending bus was challaned in the case, charges have been framed and trial is going on. In these circumstances, there is no substance in the argument of the appellant of the bus having been wrongly named as being involved in the accident.

Similarly, assessment of the income of the deceased @ Rs.8000/- also cannot be said to be on higher side keeping in view the present economic trend and the rising wages of the labourer.

Hence, no fault can be found with the impugned award.

Appeal dismissed.

March 16, 2015

(HARINDER SINGH SIDHU)
JUDGE

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