

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

**FAO No.159 of 2016 (O&M)
Date of decision : 17.02.2016**

RSRTC (Rajasthan State Road Transport Corporation), Dholpur

.....Appellants

Versus

Ram Kuvar @ Ram Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Radhe Shyam Sharma, Advocate for appellant.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 13.08.2015, passed by learned Motor Accidents Claims Tribunal Palwal (hereinafter called the 'Tribunal'), vide which claimants-respondents No.1 & 2 have been awarded the amount of compensation to the tune of Rs.5,95,000/- on account of death of Mukesh in the motor vehicular accident which took place on 20.03.2015.

2. I have heard Mr. Radhe Shyam Sharma, Advocate, learned counsel for the appellant and gone through the paper-book carefully.

3. Learned counsel for the appellant contended that the claimants have not been able to establish the negligence on the part of respondent No.3 in causing the accident. He also contended that the compensation computed by the learned Tribunal is on the higher side.

4. I have duly considered the aforesaid contentions. The same are devoid of merits.

5. In order to establish that the accident has taken place due to rash and negligent driving of bus No.RJ-11PA-0711 by respondent No.3 Ram Vilas Sharma, respondents No.1&2 have examined PW-3 Rajesh, the eye witness of the occurrence. He has categorically deposed that on 20.03.2015 at about 09:30 p.m., he along with his cousin Mukesh was crossing the G.T. Road near Milan Dhaba. In the meantime, the bus in question driven by respondent No.1 in a rash and negligent manner came from Delhi side and directly hit Mukesh, who was on extreme eastern side of NH-2 at katcha berm. Due to the impact, he suffered injuries on his head and other vital parts of the body. He was got admitted in Om Premia Hospital, Palwal and was subsequently shifted to General Hospital, Palwal. But he died during the treatment. Thus, PW3 Rajesh the witness of occurrence has categorically deposed that the deceased was hit by the bus while he was on the katcha berm. It shows that the bus in question has gone on the katcha berm and then hit the deceased. Thus, the rash and negligent driving on the part of respondent is apparent on the face of it.

6. The statement of claimant PW3 Rajesh is further corroborated from the fact that the criminal case FIR No.216 dated

21.3.2015, copy Ex.P3, has been registered against respondent No.1 for causing this accident. The statement of PW1 Rajbir Singh Ahlmad shows that respondent No.1 is facing trial in the court of learned Chief Judicial Magistrate, Palwal in connection with this accident.

7. Though Ram Vilas Sharma, respondent No.3, driver of bus has stepped into the witness-box to rebut the evidence of the claimants, but in the cross-examination he admitted that he is facing trial for causing this accident. There is no material on the file to show that he has moved any representation to the higher police authorities or his superior officers against his false implication.

8. Thus, no fault can be found with the findings recorded by learned Tribunal that respondent No.1 was the sole author of the accident in question and the accident has taken place due to his rash and negligent driving of bus No.RJ-11PA-0711, which resulted into the fatal injuries to Mukesh.

9. Learned counsel for the appellant has not been able to point out as to how the amount of compensation determined by the learned Tribunal is excessive.

10. Thus, keeping in view my aforesaid discussion, the present appeal has no merits and same is accordingly dismissed.

17.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**