

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

**FAO No.4566 of 2016 (O&M)  
Decided on: 10.08.2016**

United India Insurance Company Limited

....Appellant

Versus

Milap Singh and others

....Respondents

**CORAM: HON'BLE MRS JUSTICE REKHA MITTAL**

**Present :** Mr. Gopal Mittal, Advocate  
for the appellant.

**REKHA MITTAL, J.**

The present appeal has been directed against the award dated 12.05.2016 passed by the Motor Accidents Claims Tribunal, Ludhiana whereby compensation has been awarded to minor Milap Singh in respect of injuries sustained by him in a motor vehicular accident on 08.05.2014.

The sole submission made by counsel for the appellant is that in the occurrence in question, two vehicles tempo No.PB13-F-3428 and Alto car No.PB10-CR-0678 were involved and the FIR was got registered against Kewal Singh – respondent No.2 driver of the offending tempo. The driver of Alto car Dr. Jagdeep Singh father of minor Milap Singh died in the accident. It is argued with vehemence that as the tempo in question was not insured, mother of the claimant through whom the petition was filed, twisted the facts and attributed negligence to some extent to Dr. Jagdeep Singh, her late husband. It is further argued that even if the present is a case of composite negligence of the two vehicles involved in the accident, the learned Tribunal has

committed a serious error rather illegality by exonerating the driver and owner of tempo No.PB13-F-3428. Further argued that owner and driver of the tempo are liable to pay compensation to a substantial extent.

I have heard counsel for the appellant and perused the paperbook particularly the award passed by the learned Tribunal.

The learned Tribunal, in para 16 of the judgment, has adverted to the statement of Navneet Kaur, one of the occupants of the car that met with accident resulting in death of Dr. Jagdeep Singh and injuries to minor Milap Singh. She tendered into evidence her affidavit Ex.PA and reiterated the version set up in the petition. In her cross-examination, she deposed that centre of front of both the vehicles had struck against each other, her husband was driving the car at a high speed and he was negligent to some extent. In absence of any rebuttal to deposition of Navneet Kaur, no error much illegality can be noticed in the findings of the Tribunal that the present is a case of composite negligence of drivers of both the vehicles and the claimant is at liberty to seek compensation from the owner, driver and insurer of any of the two vehicles involved in the accident.

As per the settled position in law, in a case of composite negligence, the victim has the option to proceed against all or any of the joint tort feasons. Counsel for the appellant has not disputed that in a case of composite negligence, the Tribunal is not even obligated to assess the extent of negligence attributable to each of the vehicles involved in the occurrence much less to apportion the compensation payable by each one of them.

In view of the above, findings recorded by the learned

Tribunal in regard to occurrence being the result of composite negligence of drivers of two vehicles cannot be faulted with. Similarly, no error much less illegality can be noticed in the award whereby the insurance company of Alto car No.PB10-CR-0678 has been held liable to pay compensation without deciding the extent of negligence attributable to each of the vehicles. In this context, reference can be made to judgment of Hon'ble the Supreme Court of India “*A.P.S.R.T.C. and another vs K. Hemalatha and others*”, 2008(3) RCR (Civil) 589.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

10.08.2016  
yakub

(REKHA MITTAL)  
JUDGE

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