

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

FAO No. 2155 of 1994 (O&M)

Date of decision: 08.09.2017

Gurmel Kaur and others

...Appellants

versus

Nirmal Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present : Mr. Karamjit Verma, Advocate for the appellants.
Ms. Gulnoor Ghuman, Assistant Advocate General, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

Learned Motor Accident Claims Tribunal, Ludhiana (in short 'Tribunal'), vide award dated 06.02.1994 had dismissed the claimants' petition and restricted the compensation to Rs. 25,000/- on no fault liability, on the slim plea, that the deceased may have come in contact with the bus, I have serious doubt whether on the evidence available even that amount could have been granted, but would not interfere. This is because the evidence and the surrounding circumstances clearly suggests; as it appears from the photographs EX P3/2, that the deceased had fallen down on the left hand side of the bus. Obviously, the bus, if moving, at a snail's pace, shows that the deceased was under the influence of liquor when he may have struck against the side of the bus and unable to control himself, fell down.

Besides, no injury was reported on the body of the deceased. It could not be said that the driver of the offending bus (1st respondent) was driving the bus at a high speed or negligently and carelessly. The bus belongs to the Punjab Roadways and it had no

insurance since State is under vicarious liability to pay the compensation in the event of award of compensation.

There is no life in this appeal which is ordered to stand dismissed. The compensation, if not paid, so far, as awarded by the learned Tribunal, be disbursed to the claimants.

(RAJIV NARAIN RAINA)
JUDGE

September 8, 2017

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Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO