

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.488 of 2003 (O&M)

Date of Decision: 10.11.2017

Smt. Chanderpati and others

... Appellants

Versus

Bijender Singh and others

... Respondents

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

Present: Mr. Atal Kaushik, Advocate,
for Mr. Rakesh Nehra, Advocate,
for the appellants.

Mr. P.P.K. Jain, Advocate,
for Mr. Raman Chawla, Advocate,
for respondents No.1 and 2.

Mr. Suvir Dewan, Advocate,
for respondent No.3.

RAJIV NARAIN RAINA, J.(Oral)

1. Charan Singh died while he was commuting in an auto-rickshaw when the three wheeler driver in order to avoid a pig on the road pressed the brakes could not avert hitting it which caused the accident. The vehicle jerked suddenly and Charan Singh losing his balance hit his forehead on the grip bar behind the driver seat. As a result of the concussion he died soon thereafter in the emergency of the Post Graduate Institute of Medical Sciences, Rohtak.

2. The Tribunal has awarded ₹50,000/- on principle of no fault liability under Section 140 of the Motor Vehicles Act, 1988. The accident

was a result of *vis major*, an act of God which was not covered by the insurance policy. The accident was proved by Jai Hind PW-2 an eye witness to the fatal accident. There was no fault on the part of the driver while trying to avoid the accident on the sudden appearance of a pig running across the road. The accident did not involve another vehicle.

3. The award does not suffer from any legal infirmity.
4. Accordingly, the appeal is dismissed.
5. The amount, if not paid, shall be deposited in the Tribunal and disbursed to the claimants as awarded.

(RAJIV NARAIN RAINA)
JUDGE

10.11.2017
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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*