

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

FAO No.5043 of 2016 (O&M)

Date of decision: March 15, 2017

Harjit Kaur

...Petitioner

Versus

Nirmaljit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amit Arora, Advocate for the appellant.

Rajan Gupta, J.(oral)

Appellants, who is owner of the offending vehicle, has impugned the award dated 26.05.2016, passed by Motor Accident Claims Tribunal, Tarn Taran on the ground that no such accident had occurred as the vehicle in question was never involved in the alleged accident. Thus, the claim petition under section 166 of the Act was not maintainable.

Learned counsel for the appellant has argued that tribunal has erred in allowing the claim petition as no accident had occurred due to rash and negligent driving of driver of the vehicle in question. Thus, claim petition filed by the claimant was liable to be dismissed.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

Accident occurred on 26.10.2014, wherein claimant Nirmaljit Singh received multiple grievous injuries. FIR No.396 dated 28.10.2014 was registered under sections 279/337/338/427 IPC at Police Station City Tarn Taran against respondent No.2 i.e. driver of the offending vehicle.

Admittedly, the offending car was not insured at the time of accident. The

tribunal observed that driver of the offending vehicle while appearing in the witness-box, admitted that he was driving the vehicle bearing No.PB-46-L-1819 on the day of accident in a rash and negligent manner. He also admitted that FIR was registered against him for causing the said accident. Thus, the tribunal rightly came to the conclusion that accident was result of rash and negligent driving of the offending car by its driver. As regards quantum of compensation, the tribunal granted Rs.56,794/- for medical bills, Rs.10,000/- for transportation and other expenses during hospitalization, Rs.10,000/- for pain and suffering. After adding Rs.25,000/- as cost of litigation, the tribunal granted a total compensation of Rs.1,01,794/- to the claimant. Apparently, there is no error in the impugned award. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The appeal is without any merit and is hereby dismissed.

March 15, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No