

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) FAO No.8829 of 2014(O&M)

Jeet Singh and anotherAppellants.

Versus

Tehal Singh and anotherRespondents

(2) FAO No.8830 of 2014(O&M)

Jeet Singh and anotherAppellants.

Versus

Mukhtiar Singh and anotherRespondents

(3) FAO No.8831 of 2014(O&M)

Jeet Singh and anotherAppellants.

Versus

Jagtar Singh and anotherRespondents

(4) FAO No.8832 of 2014(O&M)

Jeet Singh and anotherAppellants.

Versus

Prem Singh and anotherRespondents

(5) FAO No.8833 of 2014(O&M)

Jeet Singh and anotherAppellants.

Versus

Prem Singh and anotherRespondents

(6) FAO No.8845 of 2014(O&M)

Jeet Singh and anotherAppellants.

Versus

Sardool Singh and another

....Respondents

Date of Decision: 18.01.2017

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sushil Saini, Advocate for
the appellants.(in all appeals)

Mr.Ravinder Arora, Advocate for the
Insurance Company (in all appeals).

HARI PAL VERMA, J. (ORAL)

C.M.24012-CII of 2014

This is an application under Section 5 of the Limitation Act seeking condonation of delay of 85 days in filing the appeal.

For the reasons stated in the application which has not been strongly opposed by counsel for the Insurance Company, same is allowed and delay of 85 days in filing the appeal is condoned.

FAO No.8829 of 2014

This order shall dispose of *FAO No.8829 of 2014*, titled as 'Jeet Singh and another vs. Tehal Singh and another', *FAO No.8830 of 2014*, titled as 'Jeet Singh and another vs. Mukhtiar Singh and another', *FAO No.8831 of 2014*, titled as 'Jeet Singh and another vs. Jagtar Singh and another', *FAO No.8832 of 2014*, titled as 'Jeet Singh and another vs. Prem Singh and another', *FAO No.8833 of 2014*, titled as 'Jeet Singh and another vs. Prem Singh and another' and *FAO No.8845 of 2014*, titled as 'Jeet Singh and another vs. Sardool Singh and another'

as common questions of law and facts are involved in these six appeals. However, for the sake of convenience and brevity, facts are being taken from *FAO No.8829 of 2014*, titled as 'Jeet Singh and another vs. Tehal Singh and another'.

The appellant has impugned the award dated 17.01.2014 passed by learned Motor Accident Claims Tribunal, Kaithal holding the appellants who are driver and registered owner of the offending vehicle, liable to pay the compensation to the claimants on account of injury suffered by them.

Learned counsel for the appellants has argued that the claim petition under Section 166 of the Motor Vehicles Act were filed against the appellants and the National Insurance Company. The claimants have sought compensation and along with interest thereon from the date of accident till its realization on account of injury suffered by them in a motor vehicular accident. He further submits that the Motor Accident Claims Tribunal had allowed the claim petition and held the appellants liable to pay the compensation jointly and severally along with interest @ 9% per annum from the date of filing of the petition till the realization of the whole amount.

I have heard learned counsel for the parties and perused the record.

On 31.08.2016, this Court had passed the following order:-

“Learned counsel for the appellants submits that the appellants were having a valid route permit of the offending vehicle, copy of which has been placed on file as Annexure A1. This route permit could not be produced before the Tribunal and now, an

application has been moved seeking permission to produce this document by way of additional evidence.

Copy of this route permit be supplied to learned counsel for the Insurance Company for verification.

List on 18.01.2017.

Till then, execution of the award against the appellants shall remain stayed.

Copy of this order be placed on the file of other connected matters.”

A perusal of the above order shows that the route permit could not be produced before the Tribunal and the appellants moved an application seeking permission to produce the document by way of additional evidence. Accordingly, the copy of route permit was supplied to learned counsel for the Insurance Company for verification.

In compliance of the order dated 31.08.2016 passed by this Court, Mr.Arora, learned counsel appearing for the Insurance Company has produced the verification report dated 21.12.2016 prepared by Mr.Puneet Kumar Gupta, Investigator wherein it has been found that the appellant No.2 i.e. registered owner of the offending vehicle was holding a valid route permit. The content of the verification report reads as under:-

“In pursuance of your instructions to verify the genuineness of above mentioned Permit Number, I visited the office of Regional Transport Authority, Patiala, and met the concerned official for the above said purpose. The particular of Permit Number is maintained in the office of Regional Transport Authority, Patiala, is as under:-

*The Permit Number **P.St.S.485/Reg/MB/97** is issued to vehicle number **PB11P-5095** on the Name of **Sh. Gamdoor Singh S/o S. Sadhu Singh r/o Vill. Phaguwala Distt. Sangrur**. This mini bus is entered on the permit on 10.05.2006. This Permit Number valid from dated **30.07.2007 to 29.07.2012**. This permit is valid for playing three **R/trip***

daily on Nadampur to Dharamheri via Kulburcharan-Gajipur, Bishanpura-Samana-Mehmudpur adda-Gheora-Chaba-Daba-Sarola-Khusal Majra-Udam Singh Chowk Cheeka-Sadhareri-Patiana route. Currently this permit is valid upto 29.07.2017 & now this is transfer to on the name of Mohinder Singh S/o Sh. Amar Singh R/o Kherki Distt. Patiala. The record is maintained in the office of Regional Transport Authority, Patiala. The particulars of the said permit is found genuine as per office record. The original verification report is attached herewith for you kind perusal.”

Accordingly, on the basis of verification report, as submitted by Puneet Kumar, Investigator, *vehicle number PB11P-5095 on the Name of Sh. Gamdoor Singh S/o S. Sadhu Singh r/o Vill. Phaguwala Distt. Sangrur* was issued a permit No. **P.St.S.485/Reg/MB/97** and the said permit was valid from 30.07.2007 to 29.07.2012. This permit was valid for plying three Return Trip daily Dharameri from Samana via Mehmoodpur, Bachanpur, Gheora Village, Chota, Daba Sarola, Khushal Majra, Udham Singh Chowk Cheeka, Sadarheri, Tatiana. Currently this permit is valid upto 29.07.2017. The said document as produced by Mr. Arora, is taken on record and is Marked as 'A'.

Considering the fact, it is held that on the date when the accident had occurred, the vehicle was insured and was carrying a valid route permit. Accordingly, these six appeals are allowed and the liability which is fastened upon the appellants who are driver and owner of the offending vehicle needs to be fastened upon the National Insurance Company. The appellants were fastened with the liability primarily on the ground that they were not holding a valid route permit, but now when the Insurance Company has produced verification report to the effect that the appellants were having a valid route permit, the liability which had

been fixed on the appellants is ordered to be fastened upon the Insurance Company. Accordingly, Insurance Company shall pay the compensation as awarded by the Tribunal.

With the aforesaid direction, all these appeals stand disposed of.

The amount deposited by the appellants at the time of filing of the appeal i.e. Rs.25,000/- each is ordered to be refunded to the appellants.

Since the main appeals have already been decided, the pending miscellaneous application, if any, shall also stands disposed of.

Photocopy of this order be placed on the files of other connected cases.

18.01.2017
Anjal

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned - Yes