

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4660-2017

Date of Decision:- 06.07.2017

Rachhpal Singh

.....Appellant

Versus

Meena Kumari and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Krishan Singh Dadwal, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

Present appellant (driver of the vehicle) has come up in appeal against the Award dated 10.05.2017, passed by learned Motor Accident Claims Tribunal, Hoshiarpur, whereby while awarding compensation of ₹6,84,500/- to the legal heirs of the deceased, the liability has been imposed upon him.

Relevant facts of the case are that on 13.12.2014, deceased Sarwan Dass was sitting on the mudguard of tractor bearing registration No.PB-07-K-5394, which was being driven by the appellant and they were going to the fields of the appellant. Appellant was driving the tractor rashly and negligently and at a high speed and he lost the control over the tractor and tractor fell into the siphon. As a result, the deceased and appellant received serious injuries on their persons. Deceased died at the spot due to the injuries whereas the appellant was taken to Civil Hospital, Hoshiarpur.

The short question for consideration in the present appeal is whether the appellant Rachhpal Singh son of Daljit Singh is liable with the liability to make the payment of compensation.

As is evident from the record that the appellant (RW-1) in his cross-examination admitted that on seeing the lights of the opposite side, he took his vehicle on one side and not stopped the vehicle. He further admitted that at that time, they were in between the road of the siphon and on the left side of that siphon, there was a pit. He used that road in a routine manner and knew very well that there was a pit on the left side of the siphon. The question of negligence stood duly proved during the trial before the Tribunal. Moreover, arguments of learned counsel for the appellant before the Tribunal was that in the DDR/Ex.R1, claimant has got recorded that there was no negligence on the part of the appellant and she does not wish to take any action against him. This aspect has been considered by the Tribunal that once the deposition of the appellant shows that when a vehicle came from the opposite side with dazzling lights, there was complete darkness. He took the vehicle on one side of the road and fell into the siphon, which led to multiple injuries to the deceased as well as to the appellant. The negligence stood duly proved as merely statement made by the complainant in the DDR would not be sufficient to absolve the negligence on appellant in causing the accident.

Heard.

The Tribunal has rightly come to a conclusion that the accident took place on account of rash and negligent driving of

respondent No.1. He (respondent No.1) himself admitted in his cross-examination that dazzling due to head lights of the vehicle coming from the opposite side, he did not stop or slow down his vehicle, rather cut his tractor on his left side knowing fully well that there is a siphon and pit and he used to said road in a routine manner. Moreover, since the liability of all the respondents is joint and several with regard to payment of compensation amount, therefore, no interference is made out in the findings recorded by the Tribunal as the same have been recorded after appreciation of evidence.

In the light of aforesaid reasons, as there is no merit, therefore, the instant appeal is hereby dismissed as such.

July 06, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No