

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

FAO No.1075 of 1992 (O&M)

Date of Decision: March 06, 2018

Delhi Transport Corporation

...Appellant

Versus

Manjit Singh and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.V.Ramswaroop, Advocate
for the appellant.

None for the respondents.

HARINDER SINGH SIDHU, J.

The Delhi Transport Company, owner of Bus No.DL-1P-9033 (hereinafter referred to as 'the offending vehicle') has filed the present appeal challenging the award dated 1.5.1992 passed by the Motor Accident Claims Tribunal, Kurukshetra (for short 'the Tribunal'), whereby, compensation of Rs.18,000/- has been awarded for the loss caused to a motorcycle in a vehicular accident.

Brief facts as disclosed in the claim petition are that on 28.7.1991, Satwant Singh was coming from the side of Pipli on Hero Honda Motorcycle No.HR-01-8683. When he reached at Barara Chowk on G.T.Road, Shahabad(M) and had almost crossed the road, the offending vehicle being driven in a rash and negligent manner by respondent Rajinder Singh, came from the side of Ambala and struck against the motorcycle.

Satwant Singh was dragged by the offending vehicle to a considerable

distance. He received multiple injuries and succumbed to the same. The motorcycle was also damaged in the accident. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

Respondent No.1 - Manjit Singh, owner of the motorcycle filed claim petition seeking compensation for the loss caused to his vehicle in the accident, wherein, the compensation, as stated above, was awarded.

Challenging the impugned award, Ld. Counsel for the appellant – Delhi Transport Corporation has contended that it was not proved on record that the accident was caused due to the negligence of the driver of the offending vehicle (bus).

Gurbaksh Singh, father of deceased Satwant Singh stepped into the witness box as PW2 and stated that at the time of accident, he along with one Yog Raj was coming from Markandeshwar Temple. There was a fair (*mela*) on the GT Road in Markandeshwar Temple. When they reached near Barara chowk, the offending vehicle belonging to DTC was seen coming from Ambala side and driven in a rash and negligent manner. His son was on the motorcycle. The offending vehicle hit against the motorcycle and dragged Satwant Singh for about 70-80 feet. He also stated that the deceased was on his left side of the road and had almost crossed the chowk. This witness also proved on record the copy of the FIR Ex.P1 and stated that respondent Rajinder Singh was facing trial for causing the accident.

The Tribunal also took note of the fact that in another claim petition filed by legal representatives of deceased Satwant Singh, it had already been held that the accident was caused due to rash and negligent

driving of the offending vehicle.

It is well-settled that requirement of proof in a MACT case is not as stringent as in a criminal case.

In view of the above, there is no merit in the contention raised on behalf of the appellant – Delhi Transport Corporation.

Hence, the appeal is dismissed.

March 06, 2018

(**HARINDER SINGH SIDHU**)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No