

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

**F.A.O No. 5305 of 2003
Date of decision:- 07.03.2018**

National Insurance Company limited ...Appellant

Versus

Sukhwinder Singh and Others ...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Sandeep Suri, Advocate,
for the appellant.

Mr. K. S. Chahal, Advocate,
for the respondents.

RITU BAHRI J. (Oral)

This appeal has been filed by the appellant against the Award dated 14.08.2003 by Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as 'the Tribunal') whereby claimant has been awarded compensation an amount of Rs.80,000/- on account of injuries sustained by the claimant-Sukhwinder in a motor vehicular accident which took place on 12.05.2001.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on on 12.05.2001, when he was going to his house on his bi-cycle, on the katcha portion of the road and was on his left hand side. A bus bearing registration No. PB-10-AM-7053 driven rashly and negligent by respondent No. 1 hit the claimant from behind, as a result of which he fell down and sustained multiple injuries on his right leg, which was fractured and his left are

was injured. Claimant further submitted that his lower jaw and upper jaw also suffered fractured and in this way face of the claimant was disfigured. He also claimed to have sustained injuries on his back bone, as a result of which he is not in a position to properly sit down. In this regard, an FIR No. 178 has been registered against respondent No. 1 at Police Station, Sunam.

Consequently, claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of negligent driving of offending vehicle by respondent No.1. Appellant/claimant suffered fracture in both legs and right hand injury, admitted in Hospital and suffered permanent disability to the extent of 40%. On the basis of documents placed on record i.e. Ex. A1 to Ex. A62 Tribunal awarded lump compensation of Rs.80,000/-.

Feeling dissatisfied with the impugned award, the appellant has been filed the present appeal on the ground that at the time of accident driver of the bus namely Gursimar, was not holding a valid and effective driving licence and there was a violation of the terms and condition of policy of insurance.

I have heard learned counsel for the parties and perused the case file.

REASSESSED COMPENSATION

The fact of accident is admitted and proved. Both the parties are in not in dispute with regard to the finding given by the

Tribunal on issue no. 1.

A perusal of the record shows that driving licence of Gursimar as Mark A it was issued on 16.03.2001, the accident had taken place on 12.05.2001. The date of expiry not very much clear by Ex. Mark A. However, licence was issued on 16.03.2001 and it makes clear that it was also valid at the time of accident.

Learned Counsel for the Insurance Company has placed on record Annexur Ex. X dated 19.12.2002 whereby an application for verification of driving licence of Gursimar is allowed. At the same time, verification report shows that licence No. 78161 which was in the name of other person instead of Gursimar whereas, licence number of Gursimar is different as per Annexure Mark A i.e. 10621. Hence, learned Counsel for the insurance company failed to produced any contrary evidence against the driver of the Bus.

Keeping in view the facts and circumstances, Impugned Award, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

07.03.2018

Riya Grover

(RITU BAHRI)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No