

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.8399 of 2014

Date of Decision: 26.02.2018

Shri Ram General Insurance Company Ltd.

....Appellant

V/S

Surinder Kaur and Others

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.Arun Sharma, Advocate,
for the appellant.

Mr.P.K.Kataria, Advocate,
for respondent No. 5.

RITU BAHRI, J.(Oral)

The present appeal has been filed by the appellant against the Award dated 12.03.2014 whereby claimants (respondents in the present appeal) has been awarded compensation of Rs.5,95,000/- along with interest @7.5 % p.a., by the learned Motor Accident Claims Tribunal, Amritsar (for short, 'the Tribunal') on account of death of Gurdip Singh in road accident which took place on 26.10.2012.

Brief facts of the dispute are that, on 26.10.2012, Gurdip Singh, since deceased, was going from the side of Fatehagarh Churian Chowk towards Gumtala, on scooter bearing registration No. PB-02-AC-0553. At about 2.30 p.m., when he reached at the turning of D-Block, Ranjit Avenue, near Kiran Colony, Bypass, Amritsar, a truck bearing registration No. PB-02-BD-9944 being driven by respondent No. 1 in a rash and negligent manner, came from the side of Fatehagarh Churain Chowk, and hit the scooter due to which Gurdip Singh, since deceased, fell down on the road

and received multiple injuries. He was taken to hte Hartej Hospital, Amritsar, for medical treatment but he died on the way to hospital. In this regard, an FIR No. 461 dated 26.10.2012 for offences under Sections 304-A/279/427 of Indian Penal Code was registered at Police Station Civil Lines, Amritsar.

Consequently, claimant-petitioner 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 and Tribunal assessed the compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.11,625/-
(ii)	1/3 ^d deducted towards personal expenses	Rs. 11625-3875=7,750/-
(iii)	Multiplier applied	Rs.7,750X12X5=4,65,000
(iv)	Compensation towards funeral expenses	Rs.25,000/-
(v)	Compensation towards loss of estate	Rs.5,000/-
(vi)	Compensatio towards loss of consortium	Rs.1,00,000/-
	Total Compensation	Rs.5,95,000/-

Feeling dissatisfied with the impugned award, appellant has preferred the present appeal.

In the present appeal parties are not in dispute with the findings of issue no. 1 that accident took place due to the sole rash and negligent driving of respondent No. 1. While driving the offending truck bearing registration No.PB-02-BD-9944.

Learned counsel for the appellant filed the present appeal on the ground to challenge findings of Tribunal with regard to issue no. 4 and 5, that the driver of the insured vehicle was not having valid and effective driving licence to drive the insured vehicle.

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

A perusal of the file shows that, in the present case onus to prove the case, Annexure R5/1 which shows that driver of the offending vehicle has valid licence and the same has been issued to respondent No. 5 on 14.08.2006, whereas accident took place on 26.10.12, which is valid for transportation till 18.11.2015 and for non-transport till 18.11.2032. Hence, after going through the findings of the impugned Award, the orders of the learned Tribunal with regard to issue Nos. 4 and 5 does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

26.02.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No