

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO No. 9365 of 2014 (O&M)

Date of decision : 18-01-2018

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Kuldeep Singh and another

.....Appellants

Versus

Raghubir Singh and another

.....Respondents

* * * * *

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Sarvinder Goyal, Advocate for the appellants.

Mr. Sham Lal Bhalla, Advocate for respondent no.1.

Mr. Vinod Gupta, Advocate for respondent no.2.

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RITU BAHRI, J.

C.M No. 25989-CII of 2014

Prayer made in the application is for condonation of delay of 280 days in filing the present appeal.

C.M is allowed. Delay of 280 days in filing the present appeal is hereby condoned.

FAO No. 9365 of 2014

Two claim petitions i.e ***MACT CASE NO.74 dated 11.09.2012*** titled, 'Chamkaur Singh vs. Kuldeep Singh and others' and ***MACT CASE NO.97 dated 09.08.2011*** titled, 'Raghubir Singh vs. Kuldeep Singh and

others' were filed relating to the same accident and two separate awards were passed. FAO No. 3407 of 2014 (Kuldeep Singh and another vs. Chamkaur Singh and another) was filed by the driver and the owner of the vehicle assailing the award dated 21.10.2013 passed in **MACT CASE NO.74 dated 11.09.2012** by Motor Accidents Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') vide which the claimant, Chamkaur Singh was awarded compensation to the tune of Rs.2,65,000/- along with interest at the rate of 7.5.% per annum on account of death of his father Jit Singh alias Ranjit Singh son of Harchand Singh in the motor vehicular accident which took place on 22.11.2009. FAO No. 2210 of 2016 was filed by the claimant against the same award for enhancement of the amount of compensation.

The present appeal i.e FAO No. 9365 of 2014 (Kuldeep Singh and another vs. Raghbir Singh and another) has been filed assailing the award dated 21.10.2013 passed in **MACT CASE NO.97 dated 09.08.2011** vide which the claimant Raghbir Singh who suffered injuries in the same accident that occurred on 22.11.2009 by car bearing registration No. PB-11-AM-9755 was awarded compensation of Rs.1,23,219/-

Vide order of this Court dated 20.5.2016, FAO No. 3407 of 2014 filed by the owner and driver was allowed and the award dated 21.10.2013 passed by the Tribunal was thereby set aside. FAO No. 2210 of 2016 filed by claimant Chamkaur Singh was dismissed. While allowing the appeal of Kuldeep Singh, it was observed that due to long gap of about 13 months in the date of accident and date of death of Jit Singh alias Ranjit Singh, the claimant was required to lead cogent and convincing medical evidence to establish that the injuries suffered by Jit Singh alias Ranjit

Singh in the accident dated 22.11.2009 were the cause of his death. But no such evidence was adduced by the claimant. Thus, it was held that the claimant failed to prove that deceased Jit Singh alias Ranjit Singh died as a result of injuries received in the accident and the claimant Chamkaur Singh was held not entitled for grant of compensation.

Learned counsel for respondent no.1 Mr. Sham Lal Bhalla has informed that no further appeal has been filed against the above said decision of this Court. Hence the above said judgment has attained finality.

Keeping in view the judgment dated 20.5.2016 and in view of the fact that in the present case also FIR was registered after a delay of about 5 months and that the medical bills of Rs.63,219/- were not proved by any witness in the Court, present appeal is also being allowed in the same terms as in FAO No.3407 of 2014.

18.01.2018

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**(RITU BAHRI)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No