

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM-10569-CII-2017 in/and
FAO-3228-2017 (O&M)
Date of Decision : 10.10.2018

Punjab State Bus Stand Management Company Ltd. and another
....Appellants

vs.

Parsin Kaur and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Amarjit Kaur Khurana, DAG, Haryana
for the appellants.

Mr. Arun Takhi, Advocate
for respondents No. 1 to 3.

Mr. K.S. Hissowal, Advocate
for respondent No.4.

AJAY TEWARI, J. (Oral)

CM-10569-CII-2017

For the reasons recorded, the application is allowed. Delay of
70 days in filing the appeal is condoned.

Main Case

This appeal has been filed against the award dated 3.10.2016
passed by Motor Accident Claims Tribunal, Hoshiarpur awarding
compensation of Rs. 18,57,000/- alongwith interest at the rate of 7.5%
per annum.

On 19.5.2017 the following order was passed :-

“Learned counsel for the appellants has inter alia argued that Sucha Singh, while appearing and deposing as PW2 before the Court has stated that on 08.12.2015 when the accident took place, he was going with his son-in-law Baljinder Singh (deceased) on his motor-cycle bearing registration No. PB-07-AU-2456 and was sitting on the pillion, whereas in the FIR No.299 dated 09.12.2015 under Sections 304-A, 279 and 427 IPC, P.S. Dasuya, Hoshiarpur, he has made the statement that he was sitting as pillion rider on Motor-cycle bearing registration No.PB-06-U-6943, which was being driven by Jagdeep Singh, son-in-law of Sucha Singh. There is material discrepancy in the statement of PW2 Sucha Singh.

Notice of motion for 3.10.2017.

Notice re: condonation of delay as well.”

In paragraph 9 of the Award the Tribunal has recorded that in his statement Sucha Singh stated that he was sitting on the pillion of the motorcycle of the deceased yet a perusal of the statement of Sucha Singh shows that even in his affidavit he has stated that he was sitting on the pillion of motorcycle of his son in law. Obviously, the Tribunal has made a mistake in noticing this fact in the Award. There is no contradiction in the statement of Sucha Singh even on material.

Resultantly, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

10.10.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No