

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

**FAO No.1224 of 2018 (O&M)
Date of Decision: February 27, 2018.**

Pepsu Road Transport Corporation and another

.....APPELLANT(s).

VERSUS

Gurinder Singh

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vishal Moudgil, Advocate
for the appellant (s).

SURINDER GUPTA, J.

This is appeal by Pepsu Road Transport Corporation, owner and Bakshish Singh, driver of PRTC Bus bearing registration No.PB-31L-0684 (later referred to as 'the offending vehicle') against the award dated 18.12.2017 passed by Motor Accident Claims Tribunal, Sangrur (later referred to as 'the tribunal'), whereby compensation of ₹8,78,541/- was allowed to respondent-claimant Gurinder Singh for the injuries suffered by him in a motor vehicle accident.

While describing the manner of accident, the tribunal has observed that on 06.11.2016, claimant was on morning walk and at about 07:30 am while he was going to Bald Crossing Via Bhawanigarh- Patiala Road, he witnessed that due to heavy fog, many cars have met with accident. The claimant reached the spot and helped in bringing out the

injured persons from the vehicles involved in accident with the help of one Dilbag Singh alias Jony son of Jasvir Singh resident of Ward No.6, Haripura Basti, Bhawanigarh (who met the complainant during morning walk). In the meantime, a PRTC Bus (offending vehicle) came to the spot. It was being driven by Bakshish Singh, at a high speed in rash and negligent manner without blowing any horn and hit the claimant. Due to impact of accident, right leg of claimant got fractured. Respondent No.1 fled away leaving the PRTC bus on the spot. Virsa Singh uncle of the claimant came to the spot, arranged a vehicle and got admitted the claimant in civil hospital Bhawanigarh. Thereafter claimant was referred to Rajindra Hospital, Patiala from where he was further referred to PGI, Chandigarh. Due to serious injury, doctors amputated his right leg above the knee.

The tribunal while recording finding on issue No.1, observed that Bakshish Singh, appellant No.2, who was driver of the offending vehicle on the date of accident, was driving it at a high speed in a rash and negligent manner in foggy weather and due to this reason, he struck his vehicle against respondent-claimant.

Learned counsel for the appellants has argued that the accident allegedly took place on 06.11.2016. FIR was got registered on 22.11.2016 i.e. after a period of about 16 days. Though the accident of offending vehicle of appellants with a car was admitted but the appellants have nowhere admitted that the offending vehicle had hit the claimant. Rather, injured at the spot were taken to the hospital in the offending vehicle and claimant has levelled false allegations against appellant No.2-Bakshish Singh to claim compensation.

Learned tribunal has taken note of the version of the accident, which was given by appellant-Bakshish Singh, which find mention in para 3 of the award as follows:-

“In reply to para No.24 of the claim petition, respondent No.1 has averred that on 06.11.2016, due to the foggy weather a car hit behind a truck and the passengers of the said car were badly detained. After a lapse of sometime, one more car struck behind the accidental car. Some people of locality came there to bring the injured out of the car. When the people were started giving the help to passengers of the car then two more cars stuck behind the accidental cars. Due to that accident some people sustained injuries. After lapse of sometime, the bus which was being driven by respondent No.1 was also struck behind the 5th car due to fog. There is no fault of the respondent No.1 in the aforesaid accident. The claimant has filed a false FIR against the answering respondent in connivance with owners of truck and also with the police officials. The aforesaid FIR was lodged after the lapse of about 16 days which also shows that the FIR was registered on the fabricated and afterthought ground.”

The tribunal while reaching the conclusion that the accident was caused due to rash and negligent driving of the offending vehicle by Bakshish Singh, has taken note of the testimony of respondent-claimant coupled with the admission of accident by driver of the offending vehicle. Though the appellants have not admitted that the offending vehicle had hit the claimant but there is no reason to disbelieve the testimony of claimant, who was at the spot and helping the injured in the accident that had already taken place, where many vehicles have colluded and he was extricating the injured from the vehicles. There was no reason for the respondent-claimant

to falsely implicate the offending vehicle in this case. The appellants have not brought on record any reason or motive for the false implication of the offending vehicle and its driver. The factum of delay in reporting the accident to the police has been explained by the respondent-claimant, who has stated that talks of compromise were going on. Even otherwise, in the facts and circumstances of the case, the delay in reporting the matter to the police is immaterial, particularly when the statement of claimant regarding the manner in which the accident took place, is unrebutted.

In view of my aforesaid discussion, I find no reason to interfere with the award passed by the tribunal.

No other point has been pressed.

This appeal has no merits. Dismissed.

February 27, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***