

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1225 of 2018 (O&M)

Date of Decision: 26.04.2018

Pepsu Road Transport Corporation

.....Appellant

Vs.

Manish Garg

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vishal Moudgil, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

CM No.4212-CII of 2018 in FAO No.1225 of 2018

For the reasons stated in the application, delay of 17 days in filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the Pepsu Road Transport Corporation and another-appellant (for short 'the appellant'), against award dated 25.10.2017, passed by the learned Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal') vide which compensation to the tune of Rs.2,00,000/- was awarded to the claimants on account of loss suffered by claimant for damage of his Indica Vista Car in motor vehicle accident which took place on 08.10.2016.

On 08.10.2016, Sahil Garg while driving an Indica Vista Car bearing No.HR-29U-7944 was going to Sangur from Dhuri. This car was being driven by him at a normal speed and on correct side of the road. Harish Kumar son of Vijay Kumar, resident of Ward No.11A, H.No.140, Shivpuri Mohalla, Dhuri and Munish Kumar son of Ashok Kumar, resident of Barnala Road, Dhuri were coming behind him in their separate Hyundai I-20 car bearing No.PB-0AD-0177 at about 3:15 p.m. when they were about 1 Km. Behind the over bridge situate at Dhuri Road, Sangrur, A PRTC bus bearing NoPB-13R-4632 driven by respondent No.1 in a rash and negligent manner came from the side of Sangrur. The offending bus while crossing

the Indica Car struck against it and on account of which the car of the deceased turned turtle on left side of the road. The bus also turned turtle on right side of the road. Due to this accident, Sahil Garg received multiple injuries and succumbed to the same on the spot. On the basis of statement suffered by Harish Kumar, FIR No.349 dated 08.10.2016 for the offence under Sections 304A/279/427 of IPC came to be registered against respondent No.1 in Police Station City Sangrur.

Learned counsel for the appellant submits that learned Tribunal has awarded the compensation in favour of claimant is on the higher side and the impugned award is liable to be set aside.

A perusal of the testimony of CW-3 Kulbir Singh, CW-4 Yashwinder Goyal, Surveyor, coupled with the testimony of CW-1 Vijay Kumar, it has been clearly borne out that the car in question had been purchased about 6/7 years back for a sum of Rs.5 Lacs and that at the time of accident, it was not insured. Both CW3 and CW-4 have specified that on account of accident, the front and right side of the car had been badly damaged. Keeping in view the age of the car, the cost at which it had been purchased about 6/7 years back and the extent to which it has been damaged, so the Learned Tribunal assessed compensation to be paid to its owner to the tune of Rs.2 Lacs. This is so because, no evidence has been brought on the file that till today, the owner of the car had opted to get his car repaired.

In view of the above, compensation for the damages of the car has been rightly assessed by the learned Tribunal and no modification is required to be made. The present appeal is dismissed accordingly.

(RITU BAHRI)
JUDGE

26.04.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

