

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.4788 of 2017 (O&M)

Date of Decision.07.03.2018

Gurmukh Singh @ Goga

.....Appellant

Vs

Sukhjeet Kaur and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Saransh Sabharwal, Advocate for
Mr. Sant Pal Singh Sidhu, Advocate
for the appellant.

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AMIT RAWAL J.(ORAL)

The statutory amount of ₹25,000/- has been deposited vide receipt bearing No.2829 dated 01.03.2018.

The appeal has been preferred by the owner and driver challenging the compensation awarded by the Tribunal to the tune of ₹8 lacs fastening the liability upon the appellant as the vehicle alleged to be involved in the accident was not insured.

The appeal is accompanied by an application seeking condonation of delay of 617 days in filing the appeal on the premise that the appellant met with an accident during the pendency of the claim petition, resulting into amputation of his leg, therefore, he could not file the appeal within limitation.

The claim petition had been preferred by legal representatives of deceased-Gurjant Singh @ Janta. On 16.6.2013, he was riding motor cycle bearing No.PB-05-J-8916 and when reached near petrol pump of IBP falling within the area of Village Sur Singh Police Station Bhikhiwind, he was hit by a car bearing registration No.PB-46K-0717 driven by respondent

No.1. The accident was witnessed by one Jaskaran Singh who was on his way on a separate motor cycle bearing No.PB-10-AU-3365. Gurjant Singh succumbed to injuries on the spot. The Tribunal on the basis of statements of witnesses and documentary evidence awarded a compensation of ₹8 lacs.

Mr. Saransh Sabharwal, learned counsel for the appellant submitted that the Tribunal has committed illegality and perversity in not appreciating the evidence brought on record as his vehicle was not involved in the accident. The deceased was a drug addict and the death might have been caused due to over-dose of drugs. His services were terminated from the Jail Department. The income assessed by the Tribunal to the tune of ₹5000/- was on conjectures and surmises, therefore, the claimants are not entitled for any compensation.

I have heard learned counsel for the appellant, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Sabharwal. I have gone through the grounds of appeal and found that there is no specific ground taken at all to show as to how and in what manner the award passed by the Tribunal requires interference. Even no evidence had been led by the owner and driver before the Tribunal to rebut the evidence brought on record by the claimants to establish their case. The factum of accident has been proved vide FIR Ex.C-1 and the challan presented by the police in the criminal case admittedly pending against the appellant. Moreover, there was eye witness to the accident, Jaskaran Singh-CW2, whose testimony has gone unrebutted. As regards the income is concerned, the Tribunal has rightly assessed the income of the deceased as ₹5000/- per month as per minimum wages.

There is no satisfactory explanation given to the delay occurred

in filing the appeal. The accident occurred during the pendency of the claim petition. The award was passed by the Tribunal in July, 2015 and the appeal was presented before this Court 07.07.2017 almost after a lapse of two years.

In view of the aforementioned, I do not find any illegality and perversity in the award passed by the Tribunal. No ground or interference is made out. The appeal is dismissed both on the ground of delay as well as on merits. The amount of ₹25,000/- deposited before this Court shall be transmitted to the Tribunal for onward disbursement to the claimants as part satisfaction of the award.

(AMIT RAWAL)
JUDGE

March 07, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No