

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

**F.A.O No. 1342 of 2006 &
Cross Objection No. 22-CII of 2006
Date of decision:- 03.12.2019**

Sukhdev Singh

...Appellant

Versus

Nasib Kaur and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.K. Arora, Advocate, for the appellant.

RITU BAHRI J. (Oral)

1. Appeal and cross objection, as noticed above, are being disposed of by this common judgment, having arisen out of the impugned award dated 23.11.2005 passed by the learned District Judge, Faridkot exercising the powers of Motor Accident Claims Tribunal.

2. The facts which are not in dispute are that on 14.11.1999, deceased Subeg Singh was going along with his cousin Balwinder Singh on a scooter bearing No. PBC-3636 from Moga to Faridkot, in the area of village Singhanwala. Then on the way Sukhdev Singh respondent No. 1 who was driving the truck bearing No. PB-13-B-3057 in a rash and negligent manner struck the same with the said scooter and as a result of which Subeg Singh suffered multiple injuries and had to be operated 4-5 times for the fractures. He got operated from G.G.S Medical College, Faridkot then from Muni Lal Hospital and Ravi Hospital, Batala and then in Guru Teg Bahadur Hospital, Amritsar and ultimately died in G.G.S Medical College and Hospital, Faridkot. F.I.R No. 120 dated 16.11.1999 under Sections 279/337/338/427 IPC was registered in this regard.

3. While assessing the compensation, the Tribunal awarded the

compensation of Rs.1,21,820/- i.e the amount spent on the treatment of the deceased to be paid by the appellant as there was no Insurance Company.

4. Learned counsel for the appellant-driver cum owner contends that the appellant has proved that no such accident took place and Subeg Singh has not died because of the injuries received by him in the accident. The accident took place on 14.11.1999 and Subeg Singh died on 18.06.2002

5. On the other hand, the learned counsel for the cross objector-respondents submits that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, as the deceased died due to the injuries suffered in the accident.

6. I have heard learned counsel for the parties and perused the record.

7. The appeal as well as cross objections are liable to be dismissed as the accident took place on 14.11.1999 and F.I.R was registered on 16.11.1999 which shows that the accident had taken place due to rash and negligent driving of appellant. Further A.W.10 Balwinder Singh alleged that on 14.11.1999 he was coming from Moga to Faridkot with Subeg Singh on scooter PBC-3636. When they reached near village Singhanwala, then the offending truck driven by Sukhdev Singh came in a rash and negligent manner and struck against the scooter of the deceased. Further Subeg Singh has given his statement as well in the criminal trial on 27.08.2001, which has been proved by A.W.1 Anu Sharma, Addl. Ahlmad of the Court of J.M.I.C Moga.

8. The enhancement of the compensation sought by the cross objectors/claimants is also liable to be dismissed as the accident took place on 14.11.1999 and Subeg Singh died on 18.06.2002 but Subeg Singh never

died because of the 4/5 operations which have been done upon him for fractures. It has been duly admitted by the claimants that he died because of the negligence of the doctors as contaminated blood was administered to him during the operation. However, the compensation awarded to him on account of expenses incurred on his treatment has rightly been awarded by the Tribunal as the accident had been duly proved.

9. In view of the above, the appeal as well as cross objections are dismissed.

03.12.2019

G Arora

Whether speaking/reasoned

Whether reportable

Yes

No

(RITU BAHRI)

JUDGE