

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

209

FAO-2547-2010 (O&M)  
Date of Decision : 18.09.2019

Baljeet Singh

.... Appellant

Versus

Tara Singh and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Ms.Amandeep Kaur, Advocate for  
Mr. Ashwani Arora, Advocate  
for the appellant.

Mr.Naveen Sharma, Advocate  
for respondent No.2.

Mr. Vinod Gupta, Advocate  
for respondent No.3/Insurance Company.

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**RAMENDRA JAIN, J. (ORAL)**

**CM-12613-CII-2010**

For the reasons mentioned in the application, the same  
is allowed. Delay of 245 days in re-filing the appeal is condoned.

**FAO-2547-2010**

Baljeet Singh-son of deceased-Nasib Singh has filed  
the instant appeal for setting aside impugned Award dated  
14.06.2008 of the Motor Accident Claims Tribunal, Rupnagar (for  
short, 'the Tribunal') dismissing his claim petition for award of

compensation for the death of his father in a motor vehicular accident.

Briefly, Nasib Singh-father of the appellant filed a claim petition under the Motor Vehicles Act, 1988, (without mentioning any provision), claiming compensation of Rs.10 lakhs, pleading that in the evening of 10.07.1990 while going from his village to Ropar on scooter, when, he reached in the area of Rangilpur on Ropar-Kurali Road, offending truck bearing registration No.RNB-8601, being driven by respondent No.1 in a rash and negligent manner, came from opposite side and struck against his scooter. As a result thereof, he received multiple grievous injuries. His both legs were amputated in the accident, occurred on account of sole rash and negligent driving of respondent No.1. At the time of accident, he was working as an advocate, besides doing agricultural pursuits and was earning Rs.5,000/- per month.

During pendency of his claim petition, Nasib Singh expired. Resultantly, his son-Baljeet Singh (appellant) was impleaded as his legal representative. After holding trial, learned Tribunal dismissed the claim petition of Nasib Singh vide Award dated 01.02.1993.

Being aggrieved, appellant approached this Court by way of FAO No.1118 of 1993, wherein, vide order dated 27.09.2006 the case was remanded to the Tribunal, to decide the matter afresh, taking into consideration Annexures P1 and P2

produced by the appellant before this Court.

Pursuant thereto learned Tribunal again re-framing issues; afforded full opportunity to the appellant to lead his evidence, and again dismissed the claim petition vide impugned award dated 14.06.2008.

Being aggrieved, the appellant has approached this Court for second time through instant appeal for awarding compensation, on account of death of his father-Nasib Singh in a motor vehicular accident by setting aside impugned award dated 14.06.2008.

Learned counsel for the appellant submits that the learned Tribunal has erred in not considering the statement of independent eye witness to the accident PW1-Mewa Singh. Learned Tribunal was required to consider Outdoor Patient Ticket of deceased Nasib Singh (Annexure P-2) and statement of Dr.Rajesh Sood (Annexure P-1). Learned Tribunal has erred in not appreciating the statement of PW4-Dr. Darshan Singh. Learned Tribunal has also failed to appreciate that the respondents had admitted the accident in question and receipt of multiple grievous injuries by deceased Nasib Singh, but denied their negligence. Therefore, it was proved beyond any shadow of doubt that Nasib Singh had received injuries in the accident in question, inasmuch as, even the driver and owner of the offending truck did not dare to enter into the witness box.

On the other hand, learned counsel for respondent No.2, refuting the above submissions, pleaded legality and validity of the impugned award.

Heard.

Having given thoughtful consideration to the rival submissions, this Court finds the instant appeal merits dismissal for the reasons to follow.

The appellant could not prove any nexus between the injury suffered by deceased-Nasib Singh in a roadside accident and his death, inasmuch as accident took place on 10.07.1990, whereas Nasib Singh expired on 01.02.1991, after around six months. After remand of the case, the appellant could not prove certificate Annexure P1 allegedly issued by Dr. Rajesh Sood, EMO, Civil Hospital, Ropar and Annexure P2, which was sought to be produced by the appellant on remand by examining its author Dr. Rajesh Sood. Instead, the appellant made a futile effort to prove the said documents by examining PW3-Dr. J. Rai, who also did not favour the appellant by testifying that he never treated deceased Nasib Singh. Not only this, PW3 Dr. J. Rai was declared hostile by the learned Tribunal. Yet in his cross-examination, nothing favourable to the appellant could be extracted from his mouth.

In view of the discussion made above, this Court is not inclined to disturb the concurrent findings of learned Tribunal recorded twice, vide separate award dated 01.02.1993 and

14.06.2008, dismissing claim petition of the appellant.

Dismissed.

However, the appellants are held entitled to compensation of ₹50,000/-, in view of provisions of Section 140 of the Act, under the head 'no fault liability', which respondent No. 3- Insurance Company, shall deposit within one month from today before the learned Tribunal, along with interest @ 7.5% per annum, from the date of filing of claim petition till the date of realization.

September 18, 2019  
*anju*

( RAMENDRA JAIN )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |