

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

**Date of decision: 16.09.2019
FAO No.1680 of 2012 (O&M)**

1.

HDFC ERGO General Insurance Company Ltd.

....Appellant

Versus

Prince and others

....Respondents

2.

FAO No.1681 of 2012 (O&M)

HDFC ERGO General Insurance Company Ltd.

....Appellant

Versus

Prince and others

....Respondents

3.

FAO No.1682 of 2012 (O&M)

HDFC ERGO General Insurance Company Ltd.

....Appellant

Versus

Suresh Kumar and others

....Respondents

4.

FAO No.1683 of 2012 (O&M)

HDFC ERGO General Insurance Company Ltd.

....Appellant

Versus

Ved Parkash and others

....Respondents

5.

FAO No.1684 of 2012 (O&M)

HDFC ERGO General Insurance Company Ltd.

....Appellant

Versus

Ved Parkash and others

....Respondents

6. FAO No.1685 of 2012 (O&M)

HDFC ERGO General Insurance Company Ltd.

....Appellant

Versus

Pawan Kumar and others

....Respondents

7. FAO No.1686 of 2012 (O&M)

HDFC ERGO General Insurance Company Ltd.

....Appellant

Versus

Suresh Kumar and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Subhash Goyal, Advocate,
for appellant-Insurance Company.

RITU BAHRI J. (Oral)

CM No.6969-CII of 2012

For the reasons mentioned in the application, same is allowed
and delay in filing of the appeal is condoned.

FAO Nos.1680 to 1686 of 2012

This judgment will dispose of FAO Nos.1680 to 1686 of 2012
together as all these appeals have arisen out of one accident and common
questions of law and facts are involved therein.

HDFC ERGO General Insurance Company Ltd.-appellant has
filed these appeals against the award(s) dated 10.08.2011 passed by Motor
Accident Claims Tribunal, Faridkot (hereinafter referred to as 'the
Tribunal'), whereby compensations of Rs.75,000/- (in MACT Case No.06

dated 22.01.2011, titled as **Prince, minor, through Rajesh Kumar vs. Gurmail Singh and others**); Rs.2,00,000/- (in MACT Case No.04 dated 22.01.2011, titled as **Prince, minor, through Rajesh Kumar vs. Gurmail Singh and others**); Rs.1,00,000/- (in MACT Case No.05 dated 22.01.2011, titled as **Suresh Kumar and others vs. Gurmail Singh and others**); Rs.2,50,000/- (in MACT Case No.07 dated 22.01.2011, titled as **Ved Parkash and another vs. Gurmail Singh and others**); Rs.1,25,000/- (in MACT Case No.08 dated 22.01.2011, titled as **Ved Parkash and others vs. Gurmail Singh and others**); Rs.1,25,000/- (in MACT Case No.09 dated 22.01.2011, titled as **Pawan Kumar and others vs. Gurmail Singh and others**) and Rs.2,50,000/- (in MACT Case No.10 dated 22.01.2011, titled as **Suresh Kumar and others vs. Gurmail Singh and others**) have been awarded in favour of the respective claimants on account of death of their relatives in a motor vehicular accident which took place on 19.12.2010.

Short ground for challenging the aforesaid awards is that while awarding compensation(s) in favour of the claimants, the Tribunal has not given any finding of negligence.

A perusal of the impugned awards shows that the Tribunal has observed that FIR Ex.A02 has been lodged at the behest of Gurmail Singh (respondent No.1 in claim petitions), who was the driver of bus bearing No. HR-57-3418. This evidence was sufficient to entertain a claim petition under Section 163-A of the Motor Vehicle Act. Moreover, finding of negligence is not required to be given in a claim petition under Section 163-A of the Act.

In this view of the matter, having examined the impugned awards, no illegality, much less perversity has been found therein

warranting interference by this Court. Adequate compensations have been awarded by the Tribunal in all the petitions after appreciating the evidence in the right perspective.

Resultantly, finding no merits, all the appeals i.e. FAO Nos.1680 to 1686 of 2012 are dismissed.

(RITU BAHRI)
JUDGE

16.09.2019
ajp

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No