

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

**FAO-2002-2014
Decided on : 05.12.2019**

Kulwinder Singh

... Appellant(s)

Versus

Pardeep Singh and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Jasneet Mehra, Advocate for
Mr. L.M. Gulati, Advocate
for the appellant(s).

Mr. Lalit Garg, Advocate
for respondent No.3.

Mr. J.S. Cooner, Advocate
for respondents No.4 & 5.

Mr. G.S. Nanda, Advocate for
Mr. J.S. Thind, Advocate
for respondent No.7.

MANJARI NEHRU KAUL, J.

The instant appeal has been preferred by Kulwinder Singh against the impugned award dated 12th December, 2013, passed by the Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as the 'Ld. Tribunal'), wherein, the claim petition was allowed only in favour of claimants/respondents No.4 & 5 i.e. Sarabjit Kaur widow of deceased Amardev Singh and Harmandeep Kaur minor daughter of deceased Amardev Singh.

The facts in brief are that on 18.07.2011, deceased Amardev Singh died in a motor vehicular accident, which was caused by the offending truck bearing registration No. PB-06-N-2238. Thereafter, the claim was preferred by respondents No.4 & 5 i.e. the widow and minor

daughter of the deceased, under Section 166 of the Motor Vehicles Act, 1988 (for brevity 'the Act'). Besides impleading the driver, owner and insurer of the offending truck, as respondents No.1, 2 & 3, the parents of the deceased as well as the stepmother of the deceased were also impleaded as proforma respondents i.e. respondents No.4, 5 & 6, respectively. All the respondents including the proforma respondents filed their respective written statements, wherein, the latter admitted to the claim of the claimants.

Thereafter, from the pleadings of the parties, the Tribunal framed the following issues:-

1. *Whether the Amardev Singh died in motor vehicle accident which took place on 18.7.2011 on Khadoor Sahib to Goindwal Sahib road due to rash and negligent driving of Truck No. PB-06-N-2238 by respondent No.1 ? OPP*
2. *Whether the claimants are entitled to compensation, if so to what extent and from whom ? OPP*
3. *Whether the respondent no.1 was not having legal and valid driving licence ? OPR-3*
4. *Relief.*

After analyzing the evidence as well as the material on record, the Ld. Tribunal allowed the claim petition filed by claimants/respondents No.4 & 5 i.e. widow and minor daughter of the deceased and held them entitled to ₹ 44,70,734/- as compensation on account of death of Amardev Singh. It was ordered that the compensation would be paid to the claimants in the following ratio:-

Claimant No. 1	₹ 25,70,734/-
Claimant No. 2	₹ 19,00,000/-

I have heard learned counsel for the parties and have reappraised the impugned award and other material available on record.

It would be relevant to mention that the appellant who was impleaded as proforma respondent No. 5 before the Ld. Tribunal was represented by a counsel and had also filed his respective written statement admitting to the claim of the claimants. No evidence was led by the claimant-appellant before the Ld. Tribunal *qua* his dependency on the deceased son. Not only this, no application was moved by him for transposing as a claimant if at all he had been erroneously left out for being entitled for compensation or even otherwise.

In the facts and circumstances of the case, I do not find any infirmity in the award impugned herein, vide which the claimants/respondents No.4 & 5 (widow and minor daughter) have been held entitled to the compensation. Consequently, the instant appeal fails and stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

December 05, 2019

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*