

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

**FAO No.8108 of 2015 (O&M)
Date of decision: 02.09.2019**

Amarjit Singh and another

....Appellants

Versus

Malkiat Kaur and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amandeep Singh Rai, Advocate,
for the appellants (owner & driver).

Mr. L.S. Sidhu, Advocate,
for the respondents-claimants

RITU BAHRI J. (Oral)

Amarjit Singh and Gurmeet Singh-appellant (driver & owner of offending vehicle) have filed this appeal against the award dated 23.09.2015 passed by Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal'), whereby compensation of Rs.10,08,000/- has been awarded in favour of claimants (respondents herein) on account of death of Sham Lal in a motor vehicular accident which took place on 06.05.2013, at about 8.15 A.M. in the area of village Thuhi.

The appellants are challenging the finding given by the Tribunal, whereby driver and owner i.e. respondent Nos.1 and 2 (in claim petition) have been held liable to make payment of compensation. Learned counsel for the appellants has argued that driver (appellant No.1 herein) has been acquitted by the Court in a criminal trial. Hence, liability cannot be

Heard, learned counsel for the parties.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. As per judgment Ex.RA passed by the Sub Divisional Judicial Magistrate, Nabha, accused (driver) has been acquitted of the charges framed in a case registered against him with regard to the accident in question. The Tribunal has observed that the judgment passed by the learned SDJM had no binding effect on the Tribunal and only on the basis of judgment of acquittal passed in a criminal case, the claim petition cannot be rejected. The claim petition has to be decided on the basis of evidence led by the parties. Moreover, Jagdeep Kaur (PW-2), who was eye witness of the accident, has deposed that respondent No.1 (in claim petition) was driving the offending jeep in a rash and negligent manner and caused serious injuries on the person of Sham Lal, due to which, he died. While deciding this issue, Tribunal had relied upon a judgment passed by this Court in **Bikram Singh and another vs. Sarwan Singh**, 2010 (2) RCR (Civil), 35, wherein it has been held that mere fact that driver was subsequently acquitted of charges in criminal case, was no ground to set aside the order of Tribunal.

A perusal of the impugned award show that driver and owner of the offending vehicle (appellants herein) have failed to lead any evidence to show that at the time of accident, the offending vehicle was insured with the Insurance Company. In the absence of any such evidence, the Tribunal has observed that the offending vehicle was not insured at the time of accident. Accordingly, driver and owners (respondent Nos. 1 and 2 in claim petition) have been jointly and severally held liable to make payment of compensation to the claimants.

In the present case, both owner and driver (appellants herein) have failed to establish that the offending vehicle was insured at the time of accident. In the absence of any such evidence, they have rightly been jointly and severally held liable to make payment of compensation to the claimants. Accordingly, the argument raised by learned counsel for the appellant is rejected. No ground is made out to interfere in the finding returned by the Tribunal.

Resultantly, finding no merits, the present appeal is dismissed.

(RITU BAHRI)
JUDGE

02.09.2019
ajp

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