

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

FAO No. 5158 of 2018(O&M)

Date of decision: 6.3.2019

Hardeep Singh and anotherAppellants

VERSUS

Malkeet Kaur and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajdeep Singh Gill, Advocate for
Mr. R.S. Sekhon, Advocate for the appellants.

REKHA MITTAL, J.(Oral)

The driver and owner of motorcycle bearing No.PB-13-AC-1841 have assailed the award dated 19.04.2017 passed by the Motor Accidents Claims Tribunal, Sangrur (in short 'the Tribunal') whereby compensation has been assessed on account of death of Manjit Singh, in a motor vehicular accident that took place on 12.07.2015.

Counsel for the appellants has assailed the award substantively on two grounds namely that the offending vehicle was not involved in the occurrence and compensation assessed by the Tribunal is on higher side. To bring home his contention with regard to findings of the Tribunal on issue No.1 attributing rashness and negligence to the offending vehicle driven by Hardeep Singh, it is argued that FIR No.115 dated 17.07.2015 under Sections 279, 337 IPC was registered at police station Sadar Dhuri on the statement of Gurpreet Singh son of late Manjit Singh

one of the claimants in the case. In the FIR, registration number of the offending motorcycle is stated to be PB-13-F-1144 but later the same was changed to PB-13-AC-1841. It is further submitted that criminal trial against Hardeep Singh has culminated in a judgment of acquittal though the appeal against the said judgment filed at the instance of complainant is pending in the Court. It is vehemently argued that motorcycle owned by Pappu Singh has been falsely implicated in the criminal and civil proceedings with a clear intent to extract compensation from the appellants.

With regard to quantum of compensation, it is argued that the Tribunal has assessed income of the deceased at Rs.10000/- per month and the same is on higher side.

Apart from the fact that the appeal has been filed after an inordinate delay of more than one year, the appeal is devoid of substance and merits outright dismissal.

Gurpreet Singh, author of aforesaid FIR and alleged eye-witness to the occurrence appeared in the witness box and tendered into evidence his affidavit by way of examination in chief wherein he had stated that accident was caused by motorcycle bearing No.PB-13-AC-1841 driven by Hardeep Singh, whom he knew prior to the occurrence. In his cross examination, he has explained that as he got perplexed on account of sustaining injuries, number of the offending vehicle was wrongly mentioned in the first statement recorded by the police but the same was corrected by recording a supplementary statement.

Hardeep Singh and Pappu Singh have not alleged any animosity against them by Gurpreet Singh or his family. The vehicle in question is not insured, therefore, there is remote possibility of indicting the vehicle falsely. The acquittal in criminal case *ipso facto* is not a ground to interfere in findings of the Tribunal on issue No.1. Hardeep Singh appeared in the witness box and stated that he was falsely implicated in the case but has failed to explain as to why a false case has been registered against him. The proceedings before the Tribunal are summary in nature and do not admit strict principles of Evidence Act to be applied. Taking into consideration testimony of Gurpreet Singh along with discussion made hereinbefore, I do not find any reason to interfere in findings of the Tribunal on issue No.1, on any score whatever. Accordingly, findings of the Tribunal on issue No.1 are affirmed.

The plea of the appellants that compensation awarded by the Tribunal is on higher side is not meritorious and liable to be rejected. The Tribunal has not even allowed addition in income for future prospects available in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.**

The deceased was an agriculturist and had been looking after land owned by his wife to the extent of 44 bighas 11 biswas, recorded in the jamabandi for the year 2014-15 Ex.C94 and copy thereof was produced for perusal and appreciation. Taking a clue from minimum wage available at the relevant time coupled with that the deceased was looking after the aforesaid land, I do not find an error in assessment of income by the

Tribunal. In this view of the matter, contention of the appellants to assail quantum of compensation is not meritorious and accordingly rejected.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. It is clarified that nothing stated hereinbefore shall cause prejudice to the claimants in case they file an appeal for enhancement.

MARCH 6, 2019		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no