

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

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FAO No. 1637 of 2021 (O & M)
Date of decision: 07.10.2021

Managing Director, Pepsu Road Transport Corporation, Nabha
.....Appellant(s)

Versus

Harjit Singh and another
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. S.P. Garg, Advocate,
for the appellant.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S.SANDHAWALIA, J. (Oral)

The present appeal under Section 173 of the Motor Vehicles Act, 1984 has been preferred by the appellant-Corporation against the award of the Motor Accident Claims Tribunal, Rupnagar whereby, a sum of Rs.31,95,000/- has been awarded in favour of the claimant-husband of the deceased alongwith 7% interest from the date of filing of the claim petition.

The basis of the compensation awarded is on account of the fact that the deceased Harmanpreet Kaur was hit by the offending bus of the Corporation driven by Sarabjit Singh (respondent no. 2 herein) from the rear side while she was driving her scooter Activa on the Rupnagar-Nalagarh Road at about 9.15 a.m. It was noticed by the Tribunal that the deceased was 25 years of age having born on 26.04.1994 and was getting salary to the tune of Rs.15,000/- per month working as QC Chemist at Logos Pharma, Village Sainimajra, Tehsil Nalagarh since 16.07.2018. Her appointment letter (Ex.P-7) and the copy of the salary record for the months of May to

July, 2019 has also been exhibited as Annexure P-11 showing that she was earning Rs.15,500/- per month. 1/3rd deduction was accordingly made towards her personal expenses and, therefore, the dependency was assessed at Rs. 10,334/- per month and by applying the multiplier of 18, it was enhanced to Rs.22,32,144/-. The future prospects were assessed by adding 40% of the said amount to the tune of Rs.8,92,857/- alongwith additional amounts under the conventional heads i.e. funeral expenses, loss of consortium and loss of estate to the tune of Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. The same has been done in consonance with the judgment of the Constitutional Bench of the Apex Court in ***National Insurance Company Ltd. vs. Pranay Sethi, 2017 (16) SCC 680.***

Counsel though has vehemently submitted that author of the FIR namely Shamsheer Singh has not been examined and, therefore, the Tribunal should not have held that the vehicle was involved in the accident. The said argument is without any basis. It is not disputed that the FIR (Ex.P-15) has been brought on record, which was lodged on the same date. The driver himself did not appear in the witness box to rebut the version of the witness Dilbagh Singh, who was the eye witness to the accident. It is settled principle that the Tribunal is to decide on the preponderance of probability and the standard of proof applicable to criminal cases is not to be applied.

In such circumstances, sufficient material, as such, has been placed on record to show that the vehicle was involved in the accident and due to rash and negligent driving of the offending vehicle which had hit the scooter of the deceased from behind, the accident had taken place.

Resultantly, the Tribunal had jurisdiction to award the compensation, which

has been done as per the principles laid down in *Pranay Sethi's case (supra)*.

In such circumstances, no ground for interference is made out in the award which does not suffer from any illegality or infirmity and accordingly, the present appeal is dismissed in limine.

07.10.2021
shivani

(G.S. SANDHAWALIA)
JUDGE

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