

125 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Decided on : 04.08.2022

**FAO-1128-2022 (O&M)**

Krishan Lal

..... Appellant

Versus

Gurjeet Kaur and others

..... Respondents

**FAO-1202-2022 (O&M)**

Krishan

..... Appellant

Versus

Binder Kaur and others

..... Respondents

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. J.S.Dhaliwal, Advocate  
for the appellant.

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**Manjari Nehru Kaul, J.(Oral)**

This order shall dispose of two appeals i.e. FAO No.1128 and 1202 of 2022 as both of them have been filed against the award dated 15.11.2021 passed by the Motor Accident Claims Tribunal, Bathinda. Brief facts of the case are taken from FAO No.1128 of 2022.

Instant appeal has been filed by the appellant-owner of the offending vehicle challenging the award dated 15.11.2021 passed by Motor Accident Claims Tribunal, Bathinda (hereinafter called as 'the Tribunal') in the claim petition under Section 163-A of Motor Vehicles Act wherein the following compensation was assessed and awarded to the claimants on account of death of Patwari Singh and Sukhraj Singh @ Rinku (hereinafter

referred to as 'deceased') in an accident on 23.03.2016:-

**Compensation awarded to Patwari Singh**

| <b><i>Sr.<br/>No.</i></b> | <b><i>Head</i></b>                 | <b><i>Amount</i></b> |
|---------------------------|------------------------------------|----------------------|
| 1                         | Compensation                       | Rs.4,53,000/-        |
| 2                         | Loss of estate                     | Rs.15,000/-          |
| 3                         | Transportation and funeral charges | Rs.15,000/-          |
| 4                         | Loss of consortium                 | Rs.40,000/-          |
|                           | Total compensation                 | Rs.5,23,000/-        |

**Compensation awarded to Sukhraj Singh @ Rinku**

| <b><i>Sr.<br/>No.</i></b> | <b><i>Head</i></b>                 | <b><i>Amount</i></b> |
|---------------------------|------------------------------------|----------------------|
| 1                         | Compensation                       | Rs.4,80,000/-        |
| 2                         | Loss of estate                     | Rs.15,000/-          |
| 3                         | Transportation and funeral charges | Rs.15,000/-          |
|                           | Total compensation                 | Rs.5,10,000/-        |

The aforementioned amount of compensation along with interest @ 9% p.a. from the date of filing of the petition till the date of order with future interest @ 6% per annum till actual realization, was ordered to be paid jointly and severally by respondents No.1 and 2.

Learned counsel for the appellant-owner of the offending vehicle submits that the accident in question, which took place on 23.03.2016 in which the deceased lost his life had occurred due to his own rash and negligent driving. Learned counsel further submits that the appellant was in no way responsible for the accident in question. He still further submits that the deceased was not even holding a valid driving license at the time of accident in question. In the circumstances, the Tribunal erred in fastening the entire liability on the appellant. A prayer,

therefore, has been made to set aside the impugned award passed by the Tribunal.

Heard learned counsel and perused the impugned award passed by the Tribunal.

Since the claimants filed the claim petition under Section 163-A of the Motor Vehicles Act, the Tribunal rightly could not have gone into the question of rash and negligent driving of either the deceased or even the driver of the offending vehicle. It is not disputed that the deceased did lose his life in the accident in question in a motor vehicular accident. Still further, it is not disputed by the appellant that the offending vehicle was not insured with any insurance company on the date of accident. A perusal of the compensation awarded by the Tribunal comes across as being just and adequate and as per the provisions of the Second Schedule appended to the Motor Vehicles Act.

In the circumstances, this Court does not find any reason to set aside the impugned award. Accordingly, the instant appeals stand dismissed.

04.08.2022  
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**(MANJARI NEHRU KAUL)**  
**JUDGE**

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