

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-3035-2020(O&M)
Date of decision: 04.08.2022

Balbir Chand

..Appellant

Versus

Surjeet Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajender Kumar, Advocate,
for the appellant

ANIL KSHETARPAL, J(Oral)

The owner and the driver of bus No.PB-08-BZ-9374, assail the correctness of the award passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'the Tribunal') while deciding a claim petition filed under Section 166 of the Motor Vehicle Act, 1988, for grant of compensation on account of death of late Sh. Inderjit Singh. The Tribunal has assessed the compensation payable at Rs.15,84,079/-.

The only submission made by the learned counsel representing the appellant is to the effect that the claimants have failed to prove that the appellant was driving the vehicle in a rash and negligent manner. The learned counsel submits that the deceased was driving a scooter and had crashed against the left side of the bus. Hence, the appellant was not negligent while driving.

With the able assistance of the learned counsel, this court has examined the layout plan prepared by the Police Investigating Officer. The accident took place at a four-legged intersection. From West to East, Nurpur Bedi to Banga Road passes. The bus was travelling on the aforesaid road.

On the other hand, there is another road which is coming from North to South i.e. From Barwa to Lalpur. In other words, the bus was travelling towards Banga, whereas the scooter came from its left side i.e. North. Hence, it is clear that the scooter came from left side. At the four-legged intersection, it was the responsibility of the heavy duty vehicle to take precautions. There is no evidence to the effect that driver took caution while at the intersection. The eye witness, namely, Gurmail Singh has appeared in evidence and supported the case of the claimants. Despite the lengthy cross-examination, his deposition, the credibility of his deposition could not be impeached. The appellant has appeared in evidence, however, he failed to win the confidence of the Court. The Tribunal on preponderance of probabilities has recorded findings of fact. The same is not amenable to interference unless the appellant draws the attentions of the court to any substantive error or material irregularity in appreciation of evidence.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

August 04, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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