

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

**FAO-130-2022 (O&M)
Date of decision : 23.05.2022**

Pepsu Road Transport Corporation and Another ... Appellant(s)

Versus

Daljit Kaur And Others ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aman Sharma, Advocate for the appellants.

ALKA SARIN, J. (ORAL)

The present appeal has been preferred against the award dated 23.09.2021 passed by the Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as the 'Tribunal') whereby the claim petition filed by the respondent Nos.1 to 5/claimants has been allowed and the appellants herein have been directed to pay compensation of ₹45,05,200/- along with interest @ 6% from the date of filing of the claim petition till the actual realization of the amount. Aggrieved by the said award, the present appeal has been preferred.

Learned counsel for the appellants has contended that the deceased was himself negligent inasmuch as he was standing in the middle of the bus stand, at a place not meant for people/passengers rather the same was meant for the parking of the buses and was also talking on his mobile phone and hence, did not hear the horn.

In the present case a perusal of the impugned award reveals that in order to rebut the evidence of the claimants, the respondents (appellants and respondent No.6 herein) did not adduce any oral evidence and closed their evidence after tendering into evidence copy of the Driving Licence of the driver as Ex.RW1/A and its verification as Ex.RW2/B, copy of registration certificate of the offending vehicle as Ex.R1, copy of route permit as Ex.R2, copy of duty roster as Ex.R3 and copy of yard control register as Ex.R4. In order to discharge the burden put on them, the claimants (respondent Nos.1 to 5/ herein) had examined Malkit Singh as CW2, who was the eye-witness of the accident as well as author of the FIR. He had been cross-examined, however, not a single suggestion had been put to him to the effect that the deceased was in any manner negligent or that he was standing at a place not meant for passengers. Further, there is no evidence which had been led to the contrary by the appellants herein. The argument of learned counsel for the appellants, therefore, deserves to be rejected.

The second limb of the argument of learned counsel for the appellants is that the income of the deceased has been assessed as ₹22,000/- on the basis of a salary certificate (Ex.C4). Learned counsel for the appellants would contend that the salary certificate does not give the break-up of deductions, if any, made. The Tribunal has discussed in detail the evidence led by the claimants/respondent Nos.1 to 5. The deceased - Gurpreet Singh - was a skilled worker and was working as a Denter at Park Hyundai, Village Kammomajra Kalan, Jind Road, Sangrur and was stated to be earning ₹22,000/- per month. In order to prove this fact, Bhushan

Kumar, Accounts Manager at Park Hyundai, Sangrur was examined who duly proved the certified salary certificate of the deceased - Gurpreet Singh - from 01.04.2019 to 30.04.2019 as Ex.C4. The certified salary account statement for the period 01.04.2019 to 07.05.2019 was produced as Ex.C5. Copy of attendance register for the month of April 2019 was produced as Ex.C6 and copy of salary register for the month of April 2019 was produced as Ex.C7. All these documents clearly showed that the salary of the deceased was ₹22,000/- per month. In the cross-examination, no suggestion was given qua the salary having been stated incorrectly and without deductions. No evidence to the contrary was led by the appellants herein. In view thereof, the second argument raised by learned counsel for the appellants also stands rejected.

In view of the above, I do not find any illegality or infirmity in the award passed by the Tribunal. The present appeal is, accordingly, dismissed. Pending applications, if any, also stand disposed off.

23.05.2022

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO