

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

CR 1770 of 2022 (O&M)

Date of Decision: May 11, 2022

Amrit Indo Canadian School

...Petitioner

Versus

National Insurance Company and others

... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. H.S. Dhindsa, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (Oral)

An Award dated 04.04.2019 was passed by the learned Motor Accident Claims Tribunal, Sangrur on the claim petition of petitioners Charanjit Kaur wife, Avneet Kaur minor daughter and Hashminder Bawa minor son of one deceased Jasvir Singh who died in motor vehicular accident that took place between canter bearing registration No. PB11AN-9644 and bus bearing registration No. PB10CS-1228 owned by the present petitioner. The petitioner claimed that he has paid a sum of Rs.2,00,000/- through Cheque No. 423519 (without any

particulars) to the claimants. Upon passing of the Award under Section 163-A of the Motor Vehicles Act 1988 petitioner now sought that the award does not carry any directions to pay back of Rs.2,00,000/- so paid by the present petitioner-owner of the bus to the claimants.

Heard Mr. H.S. Dhindsa, Advocate for the petitioner and perused the records.

Appreciating the submissions, the claim reflected in the Award dated 04.04.2019 shows that in their written reply respondent No.1 owner of the bus has taken the pleas having paid Rs.2,00,000/- through cheque No. 423519 but no particulars have been enumerated therein.

The Tribunal had framed the following issues:-

- 1. Whether Jasvir Singh died in a motor vehicle accident on 30.08.2017 ? OPC.*
- 2. Whether the claimants are entitled to compensation from the respondents, if so to what extent? OPC.*
- 3. Whether the respondents No. 1 and 2 were*

holding a valid driving licence? OPR.

4. Whether there was contributory negligence on the part of drivers of truck bearing No. PB11AN-9644 and bus bearing No. PB10CS-1288? OPR.

5. Whether the respondents are jointly and severally liable to pay the compensation? OPR.

6. Relief.

In issue No. 2 no such plea of payment stands established by any means nor there is any counter claim led by the petitioner except of having proved a compromise Ex.R1 between Charanjit Kaur wife whereby she has received a sum of Rs.2,00,000/- in her account and which is reflected in her statement of account Ex.R2 but which have not been controverted by the counsel for the petitioner in the main claim petition and therefore the Court did not do much about it remarking as follows:-

“At the same time, the amount of Rs.2,00,000/-

admittedly received by the claimants is deductible out of total compensation amount. Thus, the claimants are entitled to receive Rs.4,36,500-2,00,000=2,36,500/-”

which clearly shows that amount of Rs.2,00,000/- stands deducted out of the compensation amount. Since it is there that the minor claimants too have received this amount and as per the Award they are entitled to 20% each two kids, 20% to the mother of the deceased and 40% to the widow. Since it is admitted stand that widow of the deceased Charanjit Kaur had received this amount in her bank account and thus is clearly as per the Award needs to be deducted from her share of 40% out of the total amount of compensation of Rs.94,600/- which is well elucidated from the award itself, thus, in the light of what has been detailed and discussed above, there is no ambiguity in the award in question as to the question of any direction over the adjustment of amount of Rs.2,00,000/- paid by way of settlement between the parties prior to the filing of the claim petition.

There is no merit in the revision and the same stands disposed off accordingly.

May 11, 2022
amit rana

(FATEH DEEP SINGH)
JUDGE

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