

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

FAO No. 1702 of 2023 (O&M)
DATE OF DECISION :- April 18, 2023

Pepsu Road Transport Corporation and another ...Appellants

Versus

Gurdip Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Harsh Aggarwal, Advocate for the appellants

Ms. Shruti Sharma, Advocate for respondents/caveator.

On account of suffering injuries in a motor vehicular accident which took place on 4.12.2019 at about 6.45. P.M in the area of near Panchyati Bhawan within jurisdiction of Police station Division No. 4, Patiala, statedly on account of rash and negligent driving of bus No. PB-11-BU/0639 (hereinafter referred to as the offending bus) by Avtar Singh, that bus belonging to Pepsu Road Transport Corporation, Patiala, such injured Gurdip Singh had brought a claim petition under Section 166 of the Motor Vehicle Act, 1988 seeking grant of compensation impleading Pepsu Road Transport Corporation, Head Office Nabha Road, Patiala and its Managing Director being owners and Avtar Singh being driver of the offending bus.

After contest, the claim petition was accepted by Motor Accident Claims Tribunal, Patiala vide Award dated 6.12.2022 and a compensation of Rs.10,34,130/- was awarded to the petitioner-claimant payable by all the three respondents jointly and severally. This Award left

Pepsu Road Transport Corporation, Patiala respondent No. 1 and its Managing Director respondent No. 2 aggrieved and they have approached this Court by way of filing an appeal.

Claimant Gurdip Singh had filed a caveat and has appeared through counsel Ms. Shruti Sharma, Advocate.

I have heard learned counsel for the appellants and learned counsel for the claimant besides going through the record.

Learned counsel for the appellants has contended that no rashness and negligence on the part of Bus driver Avtar Singh was established on the record despite that the Tribunal by misappraisal of evidence and wrong interpretation of law has come to the conclusion otherwise making all the three respondents liable to pay compensation whereas this argument is strongly rebutted by learned counsel appearing for respondent-claimant.

After considering rival contentions and going through the record, I find that the Motor Accident Claims Tribunal, Patiala was fully justified in returning a finding that Avtar Singh respondent No. 3 in the claim petition was the author of the accident by his rash and negligent driving of the offending bus resulting in causing injuries to Gurdip Singh. Formal F.I.R No. 195 dated 4.12.2009 for offences under Sections 279/337/427 IPC with regard to the accident had been registered against Avtar Singh at Police Station Division No. 4, Patiala. The challan in that case is said to have been filed and now the case is fixed for prosecution evidence before the trial Magistrate. Further more during the course of trial CW1 Neterpal Singh son of the claimant has provided the ocular version of the accident deposing in consonance with the case of the claimant as given in the claim petition

stating that the accident had taken place due to rash and negligent driving of the offending Bus by Avtar Singh who without blowing horn struck the Bus into the Scooter of the claimant resulting into claimant receiving injuries on head and becoming unconscious. He stated that he had reported the matter to the police which formed basis for the registration of the formal F.I.R. The presence at the spot of that witnessed comes to be probable and natural and account given by him worthy of reliance. Though Avtar Singh driver respondent No. 3 and Harvinder Singh, Conductor had appeared and denied that the accident had taken place on account of rash and negligent driving of Bus by Avtar Singh but then such depositions do not help the respondents much keeping in view the fact that Avtar Singh has been booked in the criminal case for causing accident by rash and negligent driving and he is facing trial in the criminal Court on that account. Avtar Singh had been arrested at the spot. He is not shown to have agitated the matter with higher police authorities regarding his alleged false implication in this case.

Under the circumstances, the Tribunal was fully justified in returning the finding that rash and negligent driving of offending Bus caused accident in which claimant Gurdip Singh had suffered injuries. Therefore, I do not find myself in agreement with learned counsel for the appellants on this point.

The second ground of attack by learned counsel for the appellant was with regard to quantum of compensation. After going through the record carefully, I find that the compensation awarded is just and fair and cannot be termed to be on higher side keeping in view the multiple injuries suffered by the claimant including head injury. Further more bills and receipts with regard to the medical expenses have been proved in evidence.

CW2 Dr. Ramneet has deposed in that regard. Further more the claimant is said to have suffered Traumatic Brain injury as a result of the accident. The Tribunal has awarded compensation under two Heads i.e. pecuniary damages (special damages) having various sub Heads and similarly non pecuniary damages/general damages with various sub Heads. Compensation so awarded under various Heads is fully justified and can certainly not be termed on higher side and there is no scope for reducing the same.

Therefore, the appeal is found to be without merit and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

April 18, 2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No