

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

101

FAO-1525-1994

Date of decision : 21.11.2024

National Insurance Company Ltd.

..... Appellant

versus

Kela Devi and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

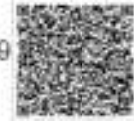
Present: Mr. Deepak Suri, Advocate
for the appellant.

PANKAJ JAIN, J. (Oral)

1. Insurance Company and owner are in appeal aggrieved of the award dated 01.02.1994 passed by MACT, Hisar whereby claim petition filed by the claimants under Section 166 of the Motor Vehicles Act stands allowed.

2. The claimants preferred the present petition seeking compensation on account of death of Ram Phal claiming that on 05.12.1989, Ram Phal was waiting for a bus alongwith his wife. After Ram Phal signaled the driver of the bus to stop, respondent No.1-driver of the bus slowed down the bus. While Ram Phal was in process of boarding the bus and had placed one foot on the foot-rest, respondent No.1 speeded up the bus all of a sudden. Ram Phal fell on the ground and suffered grievous injuries. Later on, he succumbed to his injuries. Ram Phal was working as Canal Patwari and was aged 32 years.

3. Tribunal after considering the evidence on record threadbare, came to the conclusion that Ram Phal died in a motor



vehicular accident caused by rash and negligent driving of respondent No.1. Tribunal assessed the compensation and awarded claimants an amount of Rs.2,64,000/- jointly.

4. Learned counsel appearing for the appellant while assailing the impugned award submits that the finding recorded by the Tribunal on issue No.1 is illegal and cannot be sustained. Tribunal has merely gone by the findings recorded by the Criminal Court and has not appreciated the evidence on its own. He submits that it is settled law that finding recorded by the Criminal Court are not binding upon the Tribunal and thus, Tribunal ought to have appreciated evidence on its own.

5. I have heard counsel for the appellant and have carefully gone through the records of the case.

6. The argument raised sans merit and cannot be accepted. Ex.P-1 i.e. FIR was proved on record which was recorded at the behest of eye witness without there being any loss of time. Eye witness PW-2 Nihal Singh, PW-1 Kela Devi and PW-3 Mani Ram fully proved the factum of accident, though driver Mani Ram appeared as RW-1 and denied his involvement in the accident and claimed that he stands acquitted by the Criminal Court. Tribunal has rightly relied upon overwhelming evidence and returned finding on issue No.1 against the appellant holding that respondent No.1 Mani Ram was rash and negligent in his driving which led to accident in which Ram Phal lost his life. Though, the Tribunal has awarded multiplier of 20 and interest @ 15% per annum which needs to be pegged down, however, keeping in view that in order to calculate just compensation, the claimants shall



also be entitled for future prospects, loss of consortium and compensation under the conventional heads, this Court finds that findings on issue No.2 need not be interfered.

7. In view of above, finding no merits in the present appeal, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

21.11.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No