

FAO-1377-1991(O&M)

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

**FAO-1377-1991(O&M)
Date of Order:-04.03.2024**

The State of Haryana and another

...Appellants

Versus

Mithu Singh alias Hardev Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present :-** Mr.Aman Bahri, Addl.A.G., Haryana

SUVIR SEHGAL, J.(ORAL)

1. Instant appeal has been filed under Section 173 of the Motor Vehicles Act, 2008 challenging award dated 17.07.1991 passed by the Motor Accident Claims Tribunal (for short – ‘the Tribunal’), Sirsa whereby claim petition filed by claimant – respondent No.1 has been accepted and he has been awarded compensation of Rs.1.40 lakh on account of disability suffered by him besides interest @ 12% per annum and costs.

2. I have heard the State counsel and examined the re-constructed record with his able assistance.

3. The argument raised by the State counsel deserves to be noticed and rejected. State counsel has submitted that the Government Tractor bearing registration No.HYF-1783 was not involved in the accident. On the basis of the evidence led before it, the Tribunal has recorded a finding that there is a variation in the stand taken by the driver of the tractor, Hardawari Lal - RW4 and the stand taken by the

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official respondents. Although in his deposition Hardawari Lal, who is an employee of the appellants, has deposed that he does not know how to drive, but when the tractor was recovered, Hardawari Lal was driving. Still further, the examination of the tractor shows that it was in a working condition but there were dents on its side. Besides the evidence led by the complainant, who has categorically stated that the Government tractor was being driven in a rash and negligent manner and struck against the jeep in which he was travelling causing injuries to him, even the Investigating Officer, who had investigated the FIR has come to the conclusion that the Government Tractor was involved in the accident. This Court is, therefore, of the view that finding recorded by the Tribunal does not deserve to be disturbed as rash and negligence driving by Hardawari Lal stands proved and liability has been rightly fixed on the Government.

4. Still further, it may be noticed that the claimant had suffered 70% permanent disability and the Tribunal had awarded a compensation of Rs.1.40 lakh besides interest and costs. This Court is of the view that the compensation awarded is justified.

5. Finding no merit in the appeal, the same is dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of.

(SUVIR SEHGAL)
JUDGE

04.03.2024

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No