

**FAO-5569-2006 (O&M)****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****211****FAO-5569-2006 (O&M)****Date of Decision: October 16, 2024****Som Dutt****.....Appellant****Vs.****Amir Singh and others****.....Respondents****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA****Present: Ms. Sunita Shekhawat, Advocate for the appellant(s)****Mr. Aman Sharma, Advocate and
Mr. Chirag Suri, Advocate for respondents No.1 and 2****Mr. Suman Jain, Advocate and
Mr. Rishab Jain, Advocate for the Insurance Company.*************SUDEEPTI SHARMA J. (ORAL)**

1. The present appeal has been preferred against the award dated 03.01.2006 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Kaithal (for short, 'the Tribunal') vide which the claim petition filed by the appellant/claimant for grant of compensation, was dismissed.

FACTS NOT IN DISPUTE

2. The brief facts of the case as mentioned in the claim petition are that on 18.12.2003, Amir Singh, respondent No.1, driver of PRTC Depot, Patiala made a statement before the police of Police Station Muller, District Fatehgarh that on 17.12.2003, he was on duty as driver on Bus No. PB-11M-2704. He started the bus from Patiala at about 1.00 P.M and when he reached near village Chohwalà, P.S.Muller, a canter bearing registration No. HR-64-

**FAO-5569-2006 (O&M)**

0299 came from behind, being driven rashly and negligently and it struck against the bus. As a result, the claimant who was travelling in the canter received multiple and grievous injuries. On the said statement of Amir Singh, a DDR was lodged with the police. The claimant pleaded that respondent No.1 Amir Singh in collusion with the local police had lodged a false FIR. Infact, the accident took place due to rash and negligent driving of respondent No.1 Amir Singh.

3. Upon notice of the claim petition, respondents No.1, 2 and 3 denied the averments made in the claim petition by filing written statement.

4. From the pleadings of the parties, the Tribunal framed the following issues:-

1- Whether accident resulting into injuries to claimant Som Dutt took place due to rash and negligent driving of Bus No. PB-11M-1704, on the part of its driver Amir Singh, respondent No.1, as alleged ? OPP

2- If issue No.1 is proved, then what amount of compensation, the claimant is entitled to and from whom? OPP

3- Whether the claim petition is not maintainable ? OPR

4- Whether the driver of the offending vehicle did not possess a valid and effective driving licence at the time of accident, if so to what effect ? OPR

5- Relief.

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim-petition. Hence the claimant/appellant filed the present appeal for grant of compensation.

**SUBMISSIONS OF THE LD. COUNSELS FOR THE PARTIES**

6. The learned counsel for the claimant-appellant contends that the evidence on record was not appreciated by the Ld. Tribunal while dismissing the claim petition. Therefore, he prays that the present appeal be allowed and compensation be granted to the appellant/claimant.

7. *Per contra*, ld. Counsel for the respondents argues on the lines of the award and contends that the award has rightly been dismissed by the Ld. Tribunal. Therefore, they pray for dismissal of appeal.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. Relevant portion of the award passed by the Ld. Tribunal is reproduced as under:-

“8. In order to prove this issue, the petitioner has appeared in the witness box as P.W.1 and has deposed that on 17.12.2003 at about 1.40 P.M he was travelling by Canter No. HR-64-0299, which was being driven by respondent Jai Bhagwan. The said canter had struck against Bus No. PB-11M-1704 from behind. As a result, the claimant had received multiple injuries. The accident took place due to rash and negligent driving by Jai Bhagwan respondent.

Besides the above oral statement, the petitioner has also placed on record a copy of FIR EX.P.2.

9. The accident in question had taken place on 17.12.2003 at about 1.40 P.M and the F.I.R was registered on 18.12.2003 at about 4.40 P.M. on the statement of Amir Singh(respondent No.1) driver of Bus No. PB-11M-1704. As per the said FIR, on 17.12.2003 Amir Singh respondent No.1 was on duty as driver on Bus No.PB-11M-1704. He started the bus from Patiala at 1.00 P.M and when he reached near village Chohwala, P.S.Muller, a Canter



No. HR-64-0299 came from behind. It was being driven rashly and negligently and it struck the bus on the back side.

The version given by claimant Som Dutt on oath is fully corroborated by the contents of the F.I.R which is the earliest written version of the accident. There is no contrary evidence on the file. So, in these circumstances, it is concluded that the present accident took place due to rash and negligent driving of Canter No. HR-64-0299 by Jai Bhagwan. So, this issue is answered accordingly.”

10. A perusal of the record shows that the accident took place on 17.12.2003 at about 1:40 p.m. and the FIR was lodged on 18.12.2003 at about 4:40 p.m. on the statement of Amir Singh (respondent No.1) driver of Bus No.PB-11M-2704. As per the said FIR, on 17.12.2003, Amir Singh, respondent No.1 was on duty on Bus No. PB-11M-2704. He started the bus from Patiala at about 1.00 P.M and when he reached near village Chohwalà, P.S.Muller, a canter bearing registration No. HR-64-0299 came from behind being driven rashly and negligently and it struck the bus on the back side.

11. FIR No.83 dated 17.12.2003 was registered by respondent No.1 wherein negligence on the part of appellant was stated. No FIR was lodged by the appellant-claimant as per the record.

12. After perusing the whole record and the manner in which the accident took place, I do not find any infirmity in the award dated 03.01.2006 since it is well-reasoned award and the same is affirmed. The present appeal is dismissed.

13 The Insurance Company is hereby directed to disburse the current scheduled fees to Mr. Suman Jain, Advocate and Mr. Rishab Jain, Advocate,



FAO-5569-2006 (O&M)

within a period of ten days from the date of receipt of the copy of this judgment.

14. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

October 16, 2024
sonia arora

Whether speaking/reasoned:	Speaking
Whether reportable	Yes