
(1986) 09 P&H CK 0080
In the Punjab And Haryana At Chandigarh
Case No : F.A.O. No. 344 of 1983

Gurmail Kaur and others

APPELLANT

Vs

General Manager, Pepsu Road Transport Corporation, Patiala
and another

RESPONDENT

Date of Decision : 18-09-1986

Acts Referred:

Citation : (1986) 09 P&H CK 0080

Hon'ble Judges : S.S. Sodhi, J

Bench : Single Bench

Advocate : D.S Chahal, for the Appellant; Karminster Singh, for the Respondent

Final Decision : Dismissed

Judgement

S.S. Sodhi, J.—The challenge in appeal here is to the denial of compensation to the widow and children of Mukand Singh deceased, who is said to have died as a result of the injuries sustained by him while alighting from the Pepsu Road Transport Corporation Bus PUC 3151. This accident is said to have taken place on March 7, 1980 at about 7 P. M at Bus-stand Bhikhi.

2. According to the claimants, Mukand Singh deceased was a ticket-checker with the Pepsu Road Transport Corporation. He was on the bus PUC 3151 and when it reached Bus-stand Bhikhi, he was in the process of getting down from it when the bus-driver suddenly sped away as a result of which he fell down on the road and sustained multiple injuries. It was on account of these injuries that he later died. The Respondents denied that Mukand Singh had ever travelled on the bus or that he had sustained injuries while alighting from it.

3. The case of the claimants rests upon the testimony of A.W. 3 Pritam Singh and A. W. 6 Prem Kumar. It was A. W. 6 Prem Kumar who had taken the injured Mukand Singh from the place of incident to the hospital. It would be pertinent to note here the statement of A. W. 4 Dr. Om Parkash, who was the Medical Officer at the Civil Hospital, Bhikhi, at that time. He deposed that an unknown patient in

a coma with multiple injuries was brought to the hospital by Pritam Kumar. This patient was later found to be Mukand Singh deceased, who died soon after his arrival in the Hospital. When the deceased was brought to the hospital, Prem Kumar made a note in the Hospital Register, in his own hand, Photostat copy of which is exhibit A/I A reading of this note would show that what was mentioned therein was that he had picked up the deceased, who was lying on the road. It had not been stated there how in what manner the deceased had received his injuries, more particularly, that it was while alighting from the bus that he had sustained these injuries.

4. Further, it will be seen that it was on March 21, 1980 that ASI A. W. 5 Gurcharan Singh went to the Civil Hospital, Bhikhi, where he recorded that statement of Prem Kumar. Exhibit 1 Y is a copy of this statement.

5. Turning now to the testimony of A. W. 6 Prem Kumar, he deposed that the deceased was in the process of getting down from the bus when it started moving at a fast speed and the deceased could not therefore, take care of himself and fell down. In his statement to the Police exhibit 1 Y, this witness had deposed that the deceased had fallen while alighting from the bus because either his hand or his foot slipped A W. 3 Pritam Singh too deposed in a similar manner that the deceased was in the process of alighting from the bus when he fell down as the bus suddenly moved at a high speed.

6. Taking into account the evidence on record and the circumstances of the case, it would be apparent that neither A. W. 3 Pritam Singh, nor A. W. 6 Prem Kumar actually witnessed the occurrence. It was for the first time before the Tribunal that A. W. 3 Pritam Singh came forth to state he had seen the occurrence. As for A W. 6, Prem Kumar, as mentioned earlier in his first account of the incident, as recorded in the Register Ex. A/1, there was no mention by him of how the deceased sustained injuries Later to the Police his statement was that the deceased fell while alighting when either his hand or foot slipped. It was for the first time in court that he came forth with the version that the deceased fell when the bus suddenly started at a fast speed. Neither of these witnesses thus deserves any credence Even otherwise, it will be seen that the manner in which the accident occurred | can warrant no fastening of the blame upon the bus driver in as much as, it was when the deceased was trying to get down from the bus that he is said to have fallen and sustained injuries. Even if it be taken that he was trying to get down from the bus, it was clearly incumbent upon him to allow the bus to stop before venturing to do so and if indeed the bus had stopped, it cannot be accepted that the bus would suddenly take off at such fast speed that he would have fallen from it on that account alone.

7. Such being the situation here, there is clearly no ground to hold that there was any rashness or negligence on the part of the bus driver and this being so, the Tribunal rightly held that the claimants were not entitled to any compensation from the Respondents.

8. This appeal is accordingly hereby dismissed. There will, however, be no order as to costs.