
(1984) 05 P&H CK 0092
In the Punjab And Haryana At Chandigarh

Pepsu Road Transport Corporation

APPELLANT

Vs

Satya Wanti and Others

RESPONDENT

Date of Decision : 10-05-1984

Acts Referred:

Penal Code, 1860 (IPC) — Section 304A

Citation : (1984) 2 ACC 385 : (1986) ACJ 392

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

Bench : Single Bench

Judgement

S.S. Sodhi, J.—The challenge here is to the Award of Rs. 20,000/- as compensation to the widow and son of Devi Ditta, deceased, and a sum of Rs. 61.000/- to the widow and son of Jagmer Singh alias Gurmej Singh, deceased, who were killed in an accident which occurred at about 6 P. M. on August 9, 1978 on the Kapurthala-Jalandhar Road.

2. It was the finding of the Tribunal that this accident had been caused by the Pepsu Road Transport Corporation bus PUV-2322 and was the result of the rash and negligent driving of its driver. It was on this finding that the claimants were awarded compensation as mentioned above.

3. The finding of the Tribunal with regard to the identity of the bus involved in the accident and the negligence of its driver warrants no interference in appeal.

4. The case of the claimants is founded upon the testimony of two Advocates PW. 5 Mr. Jagtar Singh and PW. 6 Mr. Virsa Singh, who were travelling in the bus PUV-2322 at the time of the accident. They were both unanimous in their testimony that the bus was being driven at a fast speed when it ran over the two deceased Devi Ditta and Gurmej Singh, who were going on their cycles on the left side of the road. The bus had come from behind and hit into them. It was also the testimony of these two witnesses that after causing this accident, the driver ran away.

5. Further, it has come on record that Harbans Singh, the bus driver is now being

prosecuted for an offence u/s 304A of the Indian Penal Code with regard to this incident and that this case was registered against him on the First Information Report recorded on the statement of Mr. Jagtar Singh, Advocate. This statement corroborates what PW. 5 Mr. Jagtar Singh stated in Court.

6. It would be pertinent to note that no counter version of the accident was given by the bus driver Harbans Singh or the other respondents in their written statement. All that was mentioned there, was that no accident had taken place as alleged. In the witness box, however, the bus driver, Harbans Singh came forth with the story that when the bus reached near village Mandh, several buses had stopped there and there was a heavy rush there. When his bus stopped there, they saw two persons lying dead on the road side. A Sikh gentleman got down from a bus coming from Jalandhar and asked Harbans Singh, the bus driver to take these deadbodies to the Civil Hospital, Jalandhar. He refused to do so as his bus was already over crowded. At this the Sikh Gentleman threatened him. The suggestion being that it was on this account, that he was falsely implicated as the culprit in this case. He categorically stated that no accident had taken place with his bus. A similar version was given by RW. 1 Mangat Ram, who claimed that he was a passenger in this bus and AW. 2 Parshotam Kumar, the conductor thereof. In dealing with the testimony of RW. 2 Parshotam Kumar, it deserves note that he had also stated that he did not know if Harbans Singh had caused the accident, resulting in the death of the two deceased in this case.

7. It would be seen that both PW. 5 Jagtar Singh and PW. 6 Virsa Singh were the most natural and best witnesses to the occurrence. They have not been shown to have had any interest in the deceased or the claimants or any reason to falsely depose against the bus driver. Their testimony is without blamish and is also duly corroborated by the First Information Report. There is, thus no ground for not holding it to be reliable and worthy of belief. What the driver Harbans Singh and his witnesses deposed to was, on the other hand, clearly a subsequently thought up story and on the face of it highly improbable.

8. This being the state of the evidence, considered in the context of the circumstances of the case, the Tribunal arrived with the only conclusion possible namely that the accident here had been caused by the bus PUV-2322 and had occurred on account of the rash and negligent driving thereof by Harbans Singh.

9. The amount awarded as compensation to the claimants can by no means be said to be excessive or unreasonable. In the case of both the deceased, the evidence shows that their in come-income was Rs. 500/- to Rs. 600/- per month. Devi Ditta deceased, was about 60 years old at the time of his death. He died leaving behind his widow and a handicapped son, who was wholly dependant upon him. An Award of Rs. 20,000/- as compensation in these circumstances cannot be questioned.

10. In the case of Gurmej Singh, deceased, considering the fact that he was only 35 years of age when he died, leaving behind his widow and dependant son,

even if the loss to the claimants is taken to be Rs. 400/- per month; it would work out to a figure larger than that awarded. No reduction is, thus, called for.

11. Both the appeals are consequently hereby dismissed with costs. Counsel's fee Rs. 300/- (one set only).