
(1993) 09 P&H CK 0126
In the Punjab And Haryana At Chandigarh

Smt. Jinder Kaur and Others

APPELLANT

Vs

Charan Singh alias Tayee and Others

RESPONDENT

Date of Decision : 06-09-1993

Acts Referred:

Motor Vehicles Act, 1939 — Section 110A

Citation : (1994) 108 PLR 604

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Advocate : R.M. Suri, for the Appellant; Ashok Aggarwal and Subhash Goyal for No. 2, for the Respondent

Final Decision : Allowed

Judgement

Amarjeet Chaudhary, J.—The Motor Accident Claims Tribunal Ludhiana, vide award dated 11.9.1985 had dismissed the claim petition filed by the claimants u/s 110-A of the Motor Vehicles Act. The claimants had sought compensation of Rs.3,00,000/- compensation on account of the death of Sukhdev Singh.

2. The challenge to the award is that the finding of the Tribunal that Sukhdev Singh had not died as a result of rash and negligent driving of the driver of the truck is not based on evidence. In order to substantiate his argument the counsel contended that the owner of the offending vehicle Charan Singh in a cross case had admitted that the accident had occurred due to his fault and the eye-witnesses had corroborated it. Darshan Singh driver of the jeep has stated that accident had taken place due to rash and negligent act of the driver of the truck. It is also contended that income of the deceased has been duly proved.

3. Counsel for the respondent contends that no interference in the finding of the Tribunal is called for.

4. In cross-case, Charan Singh had stated that the accident had taken place due to his negligence. His statement was exhibited as Exhibit A-4 which is duly proved on the record. As such, I am of the view that the Tribunal should not have

ignored such a material piece of evidence. In view of this statement, the involvement of the offending vehicle cannot be disputed.

5. In the instant case, the liability of the Insurance Company to pay compensation was limited to the extent of Rs.50,000/-. As such, the claimants are held entitled to Rs.50,000/- from the Insurance Company. In addition, they shall also be entitled to 12% interest from the date of the claim petition till its actual realisation.

6. The appeal of the claimants-appellants is allowed to the extent indicated above.

No order as to costs.