
(2016) 03 P&H CK 0370
In the Punjab And Haryana At Chandigarh
Case No : FAO No.1606 of 2016 (O&M)

United India Insurance Company Limited	APPELLANT
Vs	
Smt. Maya Devi and others	RESPONDENT

Date of Decision : 17-03-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 166, 3

Citation : (2016) 1 LAR 454

Hon'ble Judges : Harinder Singh Sidhu, J.

Bench : Single Bench

Advocate : Mr. Ram Avtar, Advocate, for the Appellant;

Final Decision : Dismissed

Judgement

Harinder Singh Sidhu, J.—Rahul son of the claimants lost his life due to injuries suffered in a vehicular accident and on the claim petition filed by the claimants, the MACT, Fatehabad awarded compensation of Rs. 12,08,934/- along with interest.

2. Brief facts of the case are that on 2.12.2013 at about 8/8.30 A.M., deceased Rahul was going to Fatehabad from village Bighar on motorcycle No.HR-20AB-3720 to attend M.M.College, where he was studying in B.A.Part-I. His friend Vishnu son of Devi Lal was riding pillion on the motorcycle, which was being driven by the deceased. When they reached ahead of DAV school towards Fatehabad, vehicle Pick-up bearing No.HR-62-5754 being driven by its driver at very high speed, rashly and negligently, in zigzag manner and without adhering to traffic rules came from the opposite direction and hit the motor, as a result of which, both the occupants of the motorcycle fell down on the road. Rahul received multiple grievous injuries, while Vishnu fell on kacha portion of the road. The driver of the offending vehicle stopped for a while, but on seeing the condition of the injured, fled from the spot. In the meantime, maternal uncle of Rahul namely, Rajneesh, who was coming on his motorcycle from behind reached and removed the injured to General Hospital, Fatehabad, from where, he was

referred to Sarvodya Multi Speciality Hospital, Hisar. Later, he was shifted to Inderprastha Apollo Hospital, Delhi, but succumbed to the injuries during treatment on 14.12.2013. FIR No.707 dated 14.12.2013 was registered in Police Station City Fatehabad regarding the incident.

3. The parents of the deceased filed claim petition seeking compensation before the MACT, Fatehabad, which on the pleadings of the parties framed the following issues:-

"1. Whether accident dated 2.12.2013 resulting in death of Rahul occurred on account of rash and negligent driving of vehicle No.HR-62-5754 by respondent No.1? OPP

2. Whether the claimants are entitled to compensation as prayed, if so, to what extent and from whom? OPP

3. Whether the driver of offending vehicle was not holding a valid and effective driving licence on the date of accident and the vehicle was being driven in violation of the terms and conditions of the Insurance Policy? OPR3

4. Relief."

4. All the issues were decided against the appellant ? Insurance Company and respondents No.3 and 4, who are driver and owner of the offending vehicle Bolero Pick-up.

5. Before this Court, Ld. Counsel for the appellant has challenged the findings of the Tribunal on issues No.1 and 3.

6. While deciding issue No.1 regarding negligence in causing the accident, the Tribunal considered the statement of PW3 Vishnu, who is an eye-witness of the accident. He deposed that on the unfortunate day, he along with deceased Rahul was coming to Fatehabad from village Bighar on motorcycle No.HR-20AB-3720 to attend M.M.College, Fatehabad, where, they were students. The deceased was on the driving seat, while this witness was riding on pillion seat. This witness also stated that the deceased was driving the motorcycle at moderate speed, carefully with caution, wearing helmet and adhering to traffic rules. When they reached ahead of DAV School towards Fatehabad, visibility was low due to heavy clouds and it was dark. The offending vehicle came at a very high speed, rashly and negligently in zigzag manner and without adhering to traffic rules from the opposite direction and hit the motorcycle. The driver of the offending vehicle stopped for a while, but on seeing the condition of the injured, fled from the spot. Due to serious injuries and critical condition of the injured, he was shifted from one hospital to other, but he succumbed to the injuries on 14.12.2013 at Inderprastha Apollo Hospital, Delhi. Intimation of his death was sent to the concerned Police station and postmortem was conducted in AIIMS, Delhi. The FIR was registered on the complaint of this witness. This witness also stated that the case was not registered earlier as the Police was waiting for the injured to regain consciousness. The offending vehicle was traced during investigation. This

witness specifically stated that the accident took place due to rash and negligent driving of the driver of vehicle No.HR-62-5754. PW4 Rajneesh, who is another eye-witness of the accident, also stated on the same lines. The fact of accident was also admitted by the driver and owner of the offending vehicle.

7. On the issue of validity of the driving license, Harivansh, an official from the office of DTO, Faridkot was examined as RW1, who also brought the summoned record of renewal of the driving licence. He stated that as per entry at Sr.No.2121, the licence in the name of Pardeep Kumar son of Rajmal (driver of the offending vehicle) bearing No.118484/HSR for LMV/HTV vide receipt No.9713030667776 dated 28.5.2013 of Rs. 250/- was valid from 31.5.2013 to 17.5.2016. He proved copy of entry as Ex.R4. In cross-examination, he stated that Ex.R1 bearing entry of renewal of the licence had the seal of DTO Faridkot with signature and initials. In the light of such evidence, the Tribunal formed the correct view that merely for the reason that the Register produced by this witness had not been properly maintained, the renewal of the licence could not be doubted.

8. No other point was raised.

9. In view of above, there is no merit in the appeal.

10. Dismissed.