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Jatinder Singh and Another Vs Ramandeep Singh and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 20, 2013

Citation: (2014) 173 PLR 439

Hon'ble Judges: Vijender Singh Malik, J

Bench: Single Bench

Judgement

Vijender Singh Malik, J.
This is an appeal brought by Jatinder Singh and Surinder Singh, the driver and owner of the offending bus bearing

registration No. PB-65K(T)-9286. They have challenged the award dated 5.7.2013 passed by learned Motor Accidents Claims Tribunal,

Fatehgarh Sahib (for short, ""the Tribunal"") vide which the claim petition brought by Ramandeep Singh and his wife Gurpreet Kaur for the death of

Jaskaran Singh, their son, aged about 6 years, has been allowed in a sum of Rs. 3 lakhs. The appellants have challenged the award on two

grounds. The first is that there was no evidence on the record to prove that the accident has been an outcome of rash and negligent driving of bus

bearing registration No. PB-65K(T)-9286 and secondly, the amount awarded as compensation is on higher side.

2. The facts required to be noticed in this regard are that Jaskaran Singh has been 6 years old. He was a student of first class at Lemmon World

School, near Thunder Zone, Landran, SAS Nagar, Mohali. On 16.12.2011, he boarded the school bus bearing No. PB-65L-0794 from his

residence to reach his school. At about 8.30 AM, the bus was near Petrol Pump, village Chunni Kalan on Sirhind-Chunni road. In the meanwhile,

a bus bearing registration No. PB-65K(T)-9286 of Continental Group of Institutes, village Jalvehra, District Fatehgarh Sahib driven by respondent

No. 1 in a rash and negligent manner came from the opposite side and hit the school bus in which Jaskaran Singh was travelling. As a result of the

accident, Jaskaran Singh suffered grievous injuries and he succumbed to those injuries. It was claimed that a sum of Rs. 10,000/- was spent on the

treatment of Jaskaran Singh and a sum of Rs. 1,40,000/- was spent on the last rites including bhog ceremony.

3. Noticing the statement of Rajvir Singh Grewal, Advocate, who was following the victim bus, learned Tribunal has concluded that the accident is

an outcome of rash and negligent driving of bus bearing registration No. PB-65K(T)-9286. Learned Tribunal noticed the fact that the deceased

was the only son of the claimants. He though, noticed the alleged expenses on the treatment and last rites, yet assessed a consolidated sum as

compensation in a sum of Rs. 3 lakhs for the death of Jaskaran Singh.

4. Learned counsel for the appellants has contended that Rajvir Singh Grewal, Advocate could not have noticed the manner in which the accident

took place because he himself was driving the car. According to him, there was no other evidence to prove the accident.

5. In my opinion, the claimants have not only examined Rajvir Singh Grewal, Advocate but have also examined Balbir Singh as PW-3. The

statement of Rajvir Singh Grewal was found to be correct as his statement matched with the particulars of the case he was going to attend on the

day of the accident. Balbir Singh is the driver of the bus in which Jaskaran Singh was travelling and he is the most appropriate person to tell the

manner of the accident. It is strange to note that none from other side came in the witness box to deny the allegations against them. The driver of

the offending bus should have at least, stepped into the witness box to state his case. In the absence of his examination, adverse inference can be

drawn against the case of the respondents. For these reasons, learned Tribunal was fully justified in holding that the accident has been an outcome

of the rash and negligent driving of bus bearing registration No. PB-65K(T)-9286.

6. The deceased had though, been six years old, yet he was the only son of the claimants. The claimants have lost the love and affection. Besides

the loss of income of the deceased, which he may have earned on his coming to the age of earning, the claimants would have lost the love and

affection of their only son. Though, they have not proved the expenses on the treatment, transportation of the dead body and last rites, yet it can be

believed that they must have spent sizable amount in the same. In these circumstances, awarding of Rs. 3 lakhs as compensation does not appear

to be on higher side. In these circumstances, I find no ground to interfere with the impugned award, the appeal is, therefore, found to have no merit

and is dismissed in limine.