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**COURT NOTICE
(U/o 5 Rule 20 CPC)**

**IN THE COURT OF Dr. Ram Niwas Bharati
District and Sessions Judge Sirsa**

**Next Date, Purpose of case, Orders and Judgments as well as other
case information is available on <http://ecourts.gov.in>**

SUKHDEV SINGH BHULLAR

Vs.

JASVINDER SINGH @ JASSI

**Rs 25,00,000/- (Rupees Twenty Five Lacs)
alongwith interest thereon at the rate of 18
percent annum from the date of the accident
till the date of realization of the amount.**

CNR No. HRSI01-006971-2018

Next Date:- 19-04-2019

PUBLICATION ISSUED TO:

JASVINDER SINGH @ JASSI

Father :-MEWA SINGH

NILWALA KHURD PS. TIBBI DISTT. HANUMANGARH.

To,

The Manager
Dainik Chetna, Bhiwani.

Whereas it has been proved to the satisfaction of the Court that the defendant(s)/respondent(s) above named cannot be served in the ordinary way of service. Hence, this proclamation **under order 5 Rule 20 CPC** is hereby issued against him/them and should appear personally or through their counsel on **19-04-2019 at 10:00 a.m.**

Take notice that, in default of his/their appearance on the day before mentioned, the above said case will be heard and determined in his/their absence according to law.

Given under my hand and the seal of the Court, this 18-03-2019.



**District and Sessions Judge
Sirsa**

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, SIRSA

- 1- Sukhdev Singh Bhullar aged about 48 years son of Shri Mahender Singh now resident of Dusseldorf, Germany now at Shahpur Begu District Sirsa.
- 2- Sudarshan Singh aged about 20 years son of Shri Sukhdev Singh resident of Ludas, District Hisar at present Village Shahpur Begu District Sirsa.

...Petitioners/claimants

VERSUS

- 1- Jasvinder Singh @ Jassi son of Shri Mewa Singh resident of Nilwala Khurd, P.S. Tibbi District Hanumangarh (RAJ).

(Driver of Bus No.PB-11K/8518)

- 2- Pepsu/Patiala Road Transport Corporation, Depot Bathinda District Bathinda (Punjab).

(Registered owner of Bus Reg. No.PB-11K/8518)

- 3- Insurance Company, if any, with which the vehicle Bus No.PB-11K/8518 was insured at the time of accident dated 08-06-2007 (particulars to be disclosed by the respondents no.1 and 2).

(Insurer of Bus No.PB-11K/8518)

...Respondents

Claim Petition under section 166
of the Motor Vehicle Act 1988 (as

(amended upto date) for grant of compensation to the petitioners to the tune of Rs.25,00,000/- (Twenty Five Lacs) alongwith interest @ 18% per annum from the date of accident till the final realization of amount from the respondents jointly and severally on account of death of Shri Kulwinder Kaur wife of Shri Sukhdev Singh (daughter of Shri Banta Singh) resident of Village Shahpur Begu, Tehsil and District Sirsa, who died in a motor vehicle accident caused by the respondent No.1 while driving the Bus No.PB-11K/8518 in a rash, negligent and careless manner, on the basis of evidence of every description, oral as well as documentary.

Sir,

We, the above named petitioners/claimants, do hereby apply for the grant of compensation to the tune of Rs.25,00,000/- (Twenty Five Lacs) alongwith interest @ 18% per annum from the date of accident till the date of final realization of amount from

the respondents jointly and severally, on account of death of Kulwinder Kaur, who died in a motor vehicle accident caused by the respondent No.1 while driving the Bus bearing registration No.PB-11K/8518 in a rash, negligent and careless manner and at a very high speed. The necessary particulars in respect of the deceased and motor vehicle etc., involved in the accident are given below:-

1. Name and father's name of the person deceased: Kulwinder Kaur wife of Shri Sukhdev Singh (daughter of Shri Banta Singh)
2. Full address of the person deceased: resident of Village Shahpur Begu District Sirsa.
3. Age of the person deceased: 35 years at the time of accident.
4. Occupation of the person deceased: The deceased was a housewife and was also maintaining milch animals.
5. Monthly income of the person deceased: The monthly income of the deceased is assessed to the tune of Rs.15,000/- per month from the above pursuits.
6. Whether the person in respect of whom the No.

compensation is being claimed, was an income-tax assessee? If so, give details.

7. Name and address of the employer of the person deceased: Self employed

8. Place, Date and time of accident: The accident took place on 09-06-2007 around 11:15 AM Near Bus Stand of Bhawanigarh within the jurisdiction of PS Bhawanigarh.

9. Name and address of the police station in whose jurisdiction the accident took place: The accident took place within the jurisdiction of PS Bhawanigarh where an FIR No.76 dated 09-06-2007 was registered under section 279/304-A IPC on the statement of Shri Kabal Singh son of Shri Suba Singh resident of Sekhon Colony, Samana District Patiala.

10. Was the person in respect of whom the No.

However a sum of Rs.50000/-
has been spent on the
funeral and last ceremonies
of the deceased.

14. Registration Number
and the description of
the vehicles involved in
the accident:

Bus No.PB-11K/8518.

15. Name and address of
the owner/s of the
vehicle involved in the
accident:

Respondent no.2 is the
registered owner of the
offending vehicle as per
information collected by the
petitioners.

16. Name and address of
the insurers of the
vehicles involved in the
accident:

The name and other necessary
particulars of the insurer
of the offending vehicle are
to be disclosed by the
respondents no.1 and 2.

17. Has any claim been
lodged with the owners or
with the Insurers of the
vehicle involved in the
accident:

Nil.

18. Name and address of
the petitioners:

As given in the title of the
claim petition.

compensation is being claimed was traveling in the vehicle involved in the accident if so, give the name of place of starting the journey and destination:

11. Nature of the injuries sustained by the person deceased: Kulwinder Kaur received serious, grievous and multiple injuries on her person including the head injury as well as the injuries on her other parts of the body as is clear from the post mortem report of the deceased attached with the petition.

12. Name and address of the Medical Officer who attended on the person deceased: The deceased died immediately after accident hence no treatment could be provided to her.

13. Period of treatment and expenses incurred on the treatment of the person deceased: As the deceased died immediately after the accident hence no treatment could be provided to her.

19. Relationship of the petitioners with the person deceased : Petitioner no.1 is the husband and the petitioner no.2 is the son of the deceased Kulwinder Kaur.

20. Title to the property of the person deceased: Self

21. Amount of compensation claimed: Rs.25,00,000/- (Rupees Twenty-Five Lacs) alongwith interest thereon @ 18% per annum from the date of the accident till the date of realization of the amount.

22. Any other information that may be necessary or helpful in the disposal of the claim petition:

Before the accident, the deceased was hale and hearty and was not suffering from any disease or infirmities. The deceased was a housewife and was maintaining the milch animals and was looking after the entire family. She was a paramount pillar for services of the family. From the services of the deceased her monthly income is assessed to be Rs.15000/-.

The deceased was backbone of the family. The petitioners are under great shock due to untimely

death of Kulwinder Kaur. The petitioner no.1 at this young age have lost the charm, love and affection of his wife due to this unfateful incident. They have become helpless and have totally disappointed. The petitioners are passing their time in frustration. The petitioners have lost entire pleasure of life. After death of Kulwinder Kaur, the petitioners are suffering great mental pain, agony and they suffered pecuniary and non pecuniary losses, which is direct consequence on the negligent act of the respondent no.1. The petitioners have suffered serious shock. Although, the loss caused to the petitioners can not be compensated in terms of money, still the petitioners are entitled to compensation for pecuniary and non-pecuniary losses caused to the petitioners and mental and physical shock, pain and sufferings already suffered by the petitioners or likely to be suffered, amenities of life, inconvenience, hardship, disappointment, frustration, mental stress, dejection and unhappiness of future life.

23. Reasons or grounds for late submission of the claim petition:

At the time of accident, the respondent no.2 was a minor and the respondent no.1 because depression

This accident was witnessed by Daljeet Singh who was following them on his separate motor cycle. On account of the accident, Smt. Kulwinder Kaur died at the spot. A case FIR bearing No.76 Dated 09-06-2007 was registered at P.S. Bhawanigarh against respondent no.1 on the statement of Kabal Singh and consequently he was arrested and challaned by the police of Police Station Bhawanigarh and also has been tried by the court of Additional Chief Judicial Magistrate, Sangrur (PB) and consequently he has been convicted according to law by ACJM, Sangrur. The copy of judgment is attached herewith for kind perusal of this Hon'ble court. The petitioners have spent about Rs.50000/- on the funeral ceremony and last rites of the deceased. This accident is caused because of the rash, negligent and careless driving of respondent no.1, who is solely liable for the death of the deceased. The respondent no.1 being its driver, respondent no.2 being owner and the respondent no.3 being insurer of the offending vehicle i.e. Bus bearing Reg. No.PB-11K/8518 are jointly and

left to abroad where he is still working and the respondent no.2 was being look after by his maternal uncle and maternal grand father in village Shahpur Begu District Sirsa and lateron they got him admitted in different schools for education. However, the provision of delay has already been deleted by the statue, even then the petitioners have explained the delay in filing the petition, which is liable to be condoned.

24. Brief description of the accident:

On 09-06-2007, around 11:15 AM, the deceased along with Kabal Singh was coming to Bus Stand Bhawanigarh on motor cycle. Suddenly he wanted to purchase some medicine because she was not feeling well and in search of clinic of doctor reached near the Shop of Vaisakhi Singh, then a bus bearing Reg. No.PB-11K/8518 came from the back side which was being driven by the respondent no.1 in a very high speed, rash and negligent manner and struck the motor cycle from behind as a result of which she fell on the road and her head was crushed by the tyres of the bus and consequently she died. Kabal Singh also received minor injuries on his person and his motor cycle was also damaged.

severally liable for the compensation as prayed
for.

It is, therefore, prayed that the claim petition may kindly be accepted with costs and the petitioners may kindly be granted/ awarded the compensation of Rs.25,00,000/- (Twenty Five Lacs only) alongwith interest thereon @ 18% per annum from the date of accident till the realization of the amount, payable by the respondents, along with costs of the petition, in the interest of justice. Any other relief in addition to above to which the petitioners are found entitled or this Hon'ble forum may deem fit be also granted in favour of the petitioners, in the interest of justice.

Sirsa/

Submitted By

- 1- Sukhdev Singh Bhullar son of Shri Mahender Singh now resident of Dusseldorf, Germany
- 2- Sudarshan Singh son of Shri Sukhdev Singh resident of Ludas, District Hisar at present Village Shahpur Begu District Sirsa.

THROUGH: T.M. SINGH ADVOCATE, SIRSA.

Verification:-

Verified that contents of the above paras of this claim petition are true and correct to the best of my knowledge and belief. Nothing false is stated therein and nothing material has been concealed therefrom.

Verified at Sirsa

S.S. 15h

S.S. 15h

Sir B