

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1525 of 2001

Date of Decision:- 21.08.2015

Ram Murti

.....Appellant

Versus

Lachhman Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. R.K. Hooda, Advocate, for the appellant.

Respondents already ex-parte.

SHEKHER DHAWAN, J.

Appeal against Award dated 27.09.2000 passed by Motor Accident Claims Tribunal, Hisar (hereinafter to be referred as 'The Tribunal') whereby 'The Tribunal' dismissed the claim petition.

2. Respondents already proceeded ex-parte.

3. Relevant facts for the purpose of decision of appeal that claimants-Ram Murti and Satya Parkash filed claim petitions on the grounds that claimants were travelling in tractor, which was being driven by Satya Parkash and the truck bearing registration No.PAT3281 driven by Lachhman Singh struck against the tractor and the same resulted into

injuries on the person of Satya Parkash and Ram Murti. It is the case of claimant-Satya Parkash that the truck was being driven at a very high speed and in a rash and negligent manner and the same struck against the tractor and the tractor was broken into pieces. Respondents contested the claim petitions on the ground that the tractor was not road worthy condition. In fact, the truck was being driven at a very moderate speed by the front wheel of the tractor, coming from the opposite side, got detached suddenly and the tractor driver lost his control, which struck against the truck. 'The Tribunal' after framing of issues and recording of evidence of the parties and appreciation thereof, returned the findings that respondent No.1-Lachhman Singh was driving the tractor in a rash and negligent manner and caused the accident and same resulted into grievous and multiple injuries to claimants Satya Parkash and Ram Murti. Claim petition was accepted and claimant Ram Murti was awarded compensation of ₹20,000/-.

4. Learned counsel for the appellant took the plea that claimant was awarded compensation, although he got head injury and other grievous injuries on his body. Appellant could not do hard work for six to seven years because of head injury. Appellant had also spent ₹20,000/- on his treatment but 'The Tribunal' awarded just ₹20,000/- as compensation. So, the appeal be accepted and amount of compensation be enhanced suitably.

5. Notice of the appeal was issued to the respondents but there was no representation from respondents side despite service.

6. Having considered the submissions made by learned counsel for the appellant and having gone through the record, the appellant is before this Court for enhancement of compensation but there is absolutely no evidence available on file that claimant had spent any amount on account of his treatment or it was a case of disability in any way. Without their being any basis or material available on file, there are no grounds for further enhancement of the compensation.

7. Resultantly, the present appeal stands dismissed, being devoid of merit.

August 21, 2015
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(SHEKHER DHAWAN)
JUDGE