

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: *October 07, 2015*

FAO No.6217 of 2010 (O & M)

Sewa Ram @ Sewa Singh

..... APPELLANT

VERSUS

Telu Ram & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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

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PRESENT: - Mr. R.S. Mamli, Advocate, for the appellant.

Mr. Madhu Ranjan, Advocate, for respondent
No.1.

Mr. Gaurav Bansal, Assistant Advocate
General, Haryana, for respondent Nos.2 and 3.

Mr. D.P. Gupta, Advocate and Mr. Rohit
Goswami, Advocate, for respondent No.4.

Ms. Shamsheer Kaur, Advocate, for respondent
No.5.

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Jaspal Singh, J

CM No.27677-CII of 2010

For reasons mentioned in the application, delay of 96 days in filing the appeal is condoned.

Application is allowed.

CM No.27678-CII of 2010

Application is allowed as prayed for.

FAO No.6217 of 2010

1. The instant appeal has been preferred by claimant – appellant Sewa Ram @ Sewa Singh seeking modification/enhancement of compensation awarded to him by the Motor Accident Claims Tribunal, Hisar (for short, ‘Tribunal’) vide Award dated November 20, 2009 passed in MACT Case No.170-M-MACT (RBT) of 2008 titled ‘Sewa Ram @ Sewa Singh vs. Telu Ram & others’, whereby he has been awarded compensation to the tune of ₹ 1,84,000/- on account of injuries sustained by him in a vehicular accident.

2. The brief facts of the case are that on June 5, 2006, the appellant was driving a jeep bearing registration No.HR-39A/4678, and was going from Hansi to Hisar at a moderate speed. When the jeep reached near TCP Gate No.2, Hisar Cantt., Hisar, at about 9.45 AM, it struck against a bus

bearing registration No.HR-62/A-0416, being driven by respondent No.1 rashly and negligently, as a result of which, the appellant received grievous and multiple injuries including fracture on both legs. He was admitted in Civil Hospital, Hisar.

3. The appellant preferred a claim petition before the Tribunal seeking compensation on account of expenses incurred by him on his treatment. The petition was contested by the respondents by filing written statements. Name of respondent No.5 – Oriental Insurance Company Limited, Hisar was deleted from the array of parties vide order dated September 22, 2009. From the pleadings of the parties, issues were framed. In order to prove their respective cases, parties led evidence.

4. After hearing learned counsel for the parties and on appraisal of evidence, the appellant was awarded a sum of ₹ 1,84,000/- as compensation for the injuries sustained by him in the accident with interest @ 7% per annum, vide Award dated November 11, 2009 passed by the Tribunal. Respondent No.1 – Telu Ram, being driver of offending bus; respondent Nos.2 and 3, being owners and respondent No.4, being insurer of the bus bearing No.HR-62A-0416, were held liable, jointly & severally, to pay the compensation.

5. Dis-satisfied by the aforesaid award, appellant (injured/driver of offending Jeep) has approached this Court seeking modification of the impugned award.

6. Learned counsel for the appellant has ebulliently argued that compensation awarded by the Tribunal is insufficient. It has been proved on record that he received multiple injuries in the accident. He had to undergo physical pain and mental agony. He had to spent on special diet and transportation. The offending bus was insured with respondent No.4 – National Insurance Company Limited, at the time of accident.

7. Learned counsel for the respondents have supported the award passed by learned Tribunal by submitting that since just and adequate compensation has already been awarded by learned Tribunal while keeping in view the facts & circumstances of the case, evidence available on file and the latest proposition of law, no interference of this Court is justified. Appeal deserves to be dismissed.

8. This court has given a thoughtful consideration to the aforesaid submissions made by learned counsel for the parties and perused the record.

9. It is an admitted fact that Tribunal has awarded a sum of ₹ 1,84,000/- as compensation for the injuries sustained by him in the accident with interest @ 7% per annum from the date of filing the claim petition till its realisation, which can be termed to be a just and adequate compensation.

10. The petitioner was admitted in Civil Hospital, Hisar where he was provided medical treatment whereafter he was shifted to Metro Hospital, Hisar. He also took treatment from Sewak Sabha Charitable Hospital, Hisar from June 8, 2006 to June 20, 2006 and from July 8, 2006 to July 12, 2006. He also remained admitted in Civil Hospital, Tohana from August 7, 2006 to August 16, 2006 and then at Hospital of Ashok Arora, Arora Orthopaedic Hospital, Hisar in the year 2008 and 2009. Petitioner exhibited various bills/bed head ticket(s) and the sum total of all the bills comes to ₹ 1,34,246/-. The Tribunal has taken into consideration all these facts and ₹ 1,84,000/- have been awarded to the injured – petitioner, including medical treatment, disability, special diet, attendant, conveyance charges, pain and suffering, which cannot be termed to be insufficient.

11. In the light of what has been discussed above, there is no infirmity or illegality in the impugned award. The appeal, accordingly, stands dismissed.

October 07, 2015

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(Jaspal Singh)
Judge