

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

F.A.O. No. 4545 of 2013

Date of decision : January 22, 2015

Shri Ram General Insurance Company Ltd.

....Appellant

versus

Dharampal and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Arun Sharma, Advocate for
Mr. T. K. Joshi, Advocate, for the appellant

Mr. Sanjiv Pabbi, Advocate, for respondent no. 1

Fateh Deep Singh, J. (Oral)

The insurer has in this appeal challenged award dated 13.10.2012 passed by learned Motor Accident Claims Tribunal, Hisar awarding compensation to the tune of Rs 2,91,897/- (rounded off to Rs 2,92,000/-) along with interest for the injury sustained by claimant Dharampal in the motor vehicular accident that took place on 30.12.2010 when the offending truck No. HR-61-8485 hit him while he was going on foot. Since the findings on issue no. 1 that the injuries were due to rash and

negligent driving of the offending truck have never been put to question and thus, have attained finality.

Heard Mr. Arun Sharma, Advocate for Mr. T. K. Joshi, Advocate, for the appellant and Mr. Sanjiv Pabbi, Advocate, for respondent no. 1 and perused the record.

The argument of counsel for the appellant revolve around the very quantum of compensation. It is duly proved by MLR Ex. P1 as to the nature of the injuries and their very basis on the testimony of PW2 Dr. TS Garg, there is fracture of both bones of left leg and which is corroborated by the X-ray report Ex. P2. Further-more PW4 Dr. Reena Jain, Medical Officer, General Hospital Hisar has proved the disability certificate Ex. P19 whereby there is permanent disability of 19% of the left lower limb. The contention of the counsel for the respondent that proven earnings of the claimant to the tune of Rs 5000/- per month could not be controverted on behalf of the appellant and the learned Tribunal considering the proved medical expenses bill Ex. P5 to P18 proved by PW3 Prem Kumar, OPD slip Ex. P3 and bill Ex. P4 and looking into relative essentialities has held loss of income due to permanent disability and which counsel for the appellant could not impress how is on the higher side. There is compensation assessed on account of pain and suffering, treatment expenses, loss of income for a period of three months when normal fracture fully heals by six

months and besides has awarded charges for special diet, attendant which are well within the reasonable limits and cannot by any stretch of imagination can be termed as excessive. Rather there is no compensation awarded for loss of beauty, pleasures of life so on and so forth and rather apparently the compensation is on the lower side. Nothing can be found fault with the impugned award. The appeal being hopelessly without any merit stands dismissed.

January 22, 2015

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**(Fateh Deep Singh)
Judge**