

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No.478 of 2013 (O & M)

Date of Decision: *January 30, 2015*

Satbir

..... APPELLANT

VERSUS

Navdeep & others

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

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?

. . .

PRESENT: - Mr. Sandeep Goyat, Advocate, for the appellant.

Mr. J.S. Chatrath, Advocate with Mr. Vinod Gupta, Advocate, for respondent No.3 – Insurance Company.

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Jaspal Singh, J

1. The instant appeal has been preferred by the claimant against award dated October 09, 2012 passed by the Motor Accident Claims Tribunal, Hisar (for brevity, 'Tribunal') whereby claim petition captioned as 'Satbir vs. Navdeep &

others' was partly allowed and a sum of ₹ 89,285/- was awarded as compensation on account of injuries sustained by the appellant – claimant holding driver, owner and Insurance Company to be jointly and severally liable to pay the amount of compensation. The instant appeal has been filed seeking enhancement of compensation so awarded by the Tribunal.

2. While assailing the impugned award, it has been argued by learned counsel for the appellant that compensation awarded by the Tribunal is insufficient and inadequate keeping in view the gravity and seriousness of injuries sustained by the appellant in a vehicular accident involving Car No.HR20-S-7474. The appellant – claimant received serious multiple injuries in the accident. He was taken to Medical College, Agroha. Due to his serious condition, he was shifted to N.C. Jindal Hospital, Hisar where he was operated upon twice and remained hospitalized till February 21, 2011. He incurred a sum of ₹ 2,50,000/- on medical treatment, transportation, medicines and special diet etc. His monthly has been assessed to the tune of ₹ 5,000/- per month whereas he was working as a Mason and earning ₹ 15,000/- per month. Thus, the amount awarded by the Tribunal i.e. ₹ 89,285/- deserves to be enhanced and atleast just, adequate and reasonable compensation be awarded.

3. On the other hand, learned counsel for respondent No.3 – Insurance Company has controverted the submissions made by learned counsel for the appellant submitting that the impugned award is absolutely in consonance with the evidence available on file and settled canons of law. Each and every aspect of the case has been elaborately discussed at length by the Tribunal before arriving at a conclusion to assess the amount of compensation. An amount of ₹ 89,285/- has been awarded alongwith interest @ 7.5% which is just and adequate compensation. Thus, learned counsel for the respondent – Insurance Company has prayed for dismissal of the appeal with special costs.

4. This court has given an anxious consideration to the aforesaid submissions made by learned counsel for the parties and perused the record.

5. It is an admitted fact that the Tribunal has awarded a sum of ₹ 47,785/- on account of medical treatment, a sum of ₹ 10,000/- on account of loss of income and ₹ 2,500/- on account of transportation charges, totaling ₹ 89,285/- which can be termed to be a just and adequate compensation.

6. As far as contention of learned counsel for the appellant that income of the appellant – claimant should have

been assessed to the tune of ₹ 15,000/- per month, the same is without any substance. Infact, there is no cogent, convincing or documentary evidence that deceased was earning ₹ 15,000/- per month except the bald assertion of the claimant. Thus, Tribunal is absolutely justified while assessing the income of the appellant to be ₹ 5,000/-. So, in the given circumstances, it can be safely concluded that the instant appeal is devoid of merits as the compensation already awarded is sufficient and adequate.

7. As a net result of aforesaid discussion, the appeal is dismissed whereby the impugned award is upheld.

8. No order as to costs.

January 30, 2015
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(Jaspal Singh)
Judge