

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5786 of 2013

Date of Decision: 01.09.2015

Lal Singh and another

.....Appellants

Vs.

Master Aman

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Jaidev, Advocate for the appellants.

Mr.S.K.Yadav, Advocate for the respondent.

RITU BAHRI, J. (ORAL)

The appellants have come up in the appeal against the Award of the Tribunal dated 01.10.2013, whereby, the claimant-Master Aman was awarded a compensation of Rs.15,000/- with a prayer that award dated 01.10.2013 passed by the Motor Accident Claims Tribunal, Faridabad may kindly be set aside.

Brief facts of the case are that on April 3, 2012, a minor child-Master Aman aged 3 years was apparently standing outside his house when he was hit by motor-cycle No.HR-29X-0644 being driven at a high speed, rashly and negligently by driver/appellant No.1. The child was immediately rushed to the Gold Field Hospital from where he was taken to the Jai Parkash Narain Apex Trauma Center, AIIMS, New Delhi, where he underwent treatment from April 7, 2012 to April 25, 2012. The FIR No.41 dated April 7, 2012 under Sections 279, 337 IPC was registered at Police Station Chhainsa against driver/appellant No.1. The respondent claimed that since the appellants were the driver and owner respectively of the offending vehicle, they be directed to compensate him.

The learned Tribunal has framed the issues on 05.03.2015 that whether the present accident had taken place due to rash and negligent driving of

motorcycle bearing No.HR-29X-0644 by the driver/appellant No.1. However, the FIR was registered against driver/appellant No.1 at the instance of Ram Rattan PW-1, who was the maternal grandfather of the minor-Aman/respondent and eye-witness of the alleged incident. The learned Tribunal keeping in view of the probability of the circumstances, held that due to rash and negligent driving of driver/appellant No.1, the claimant child received injuries.

After going through the award of the Tribunal, it is not required to interfere in the award of the Tribunal as PW-1 Ram Rattan had witnessed the accident and has clearly identified the driver/appellant No.1 as the person who had caused the accident. It is further stated that the motor-cycle had hit the child who had been thrown away for a considerable distance and he managed to escape after the incident. The child was rushed to hospital and the compensation was assessed in view of the three bills which were produced during the trial and accepted as being correct by the Tribunal. The claimant-Aman was thus entitled to these amount i.e Rs.1,000/- + Rs.8340/- + Rs.200/- = Rs.9540 and Rs.5,000/- towards special diet and transportation. Hence, Rs.15,000/-(Rs.9450/-+Rs.5,000=Rs.14,540/- round of Rs.15,000/-) has been awarded by the learned Tribunal.

Keeping in view that the appellant suffered injuries due to rash and negligent driving of appellant No.1 and the accident was witnessed by Ram Rattan PW-1, who is maternal grandfather of the appellant and witness of this accident, no ground is made out to interfere in the impugned award as well as compensation awarded and the appeal is dismissed accordingly.

01.09.2015
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(RITU BAHRI)
JUDGE