IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 3654 of 2015 (O&M)
Date of decision 06.07. 2015.

United India Insurance Co. Ltd
...... Appellant.

versus

Harjit Singh and others
...... Respondents.

CORAM :- HON'BLE MR.JUSTICE K.C.PURI.

1. Whether Reporters of Local Newspapers 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. Gopal Mittal, Advocate for
Mr. Lalit Garg, Advocate for the appellant.

K.C.PURI, J.

Appellant-United India Insurance Co. Ltd has directed the present appeal against the Award dated 02.02.2015 passed by Shri Gurjant Singh, Motor Accident Claims Tribunal, Moga vide which claimant was allowed compensation to the tune of Rs.2,73,722/- along with interest @ 9% per annum from the date of claim petition till actual realization.

2. Succinctly, the facts as emanating from the record are that claimant has received injuries in a motor vehicular accident which took place on 26.03.2012 in the area of village Dhurkot Kalan. It is alleged that claimant was earning Rs.15,000/- per month by doing agriculture and

business of dairy farming. On 26.03.2012 he was going to village Dala from village Dhurkot Kalan on his bicycle. His brother was also following him on his own bicycle. At about 5.30p.m., when they were behind half kilometer from village Dhurkot Kalan, a bus bearing registration No. PB 19E 0407 being driven by respondent No.1 at high speed and negligently had come from Moga side and struck against his bicycle, as a result of which he fell down on the road and received injuries on his head and face. His brother had arranged vehicle and got him admitted in Civil Hospital, Moga. Later on he was referred to Dayanand Medical College, Ludhiana where he was medically treated.

3. Respondent Nos.1 and 2 in their joint written statement took up preliminary objections to the effect that claim petition is not maintainable ; claimant has no locus standi to file the present petition and answering respondents have been dragged unnecessarily in the present case. On merits, it is alleged that accident has never taken place. Denying other averments respondents prayed for dismissal of the claim petition.

4. Respondent No. 3 has taken preliminary legal objections that claim petition as framed is not maintainable ; claimant has no locus standi to file the present petition and respondent No.1 was not holding valid and effective driving licence at the time of alleged accident. On merits, it is alleged that the claim petition has been filed in collusion with respondents No.1 and 2. Denying other averments respondent No.3 prayed for dismissal of the claim petition.

5. From the pleadings of the parties ,the following issues were framed-

1 Whether Harjit Singh son of Mukhtiar Singh had sustained injuries in motor vehicle accident on 26.03.2012 due to rash and negligent driving of bus bearing No. PB19E 0407 by its driver, respondent no1 ? OPP

2 If issue No.1 is proved, then to what amount of compensation, claimant is entitled for and from whom? OPP

3 Whether claim petition is not maintainable ? OPR

4 Whether claimant has no locus standi to file present claim petition ? OPR

5. Relief.

6. The Tribunal, after assessing the testimony of the witnesses dismissed the claim petition vide award dated 02.02.2015, as aforesaid.

7. Feeling dissatisfied with the above said Award dated 02.02.2015, the United India Insurance Co. Ltd. -appellant has directed the present appeal.

8. I have heard learned counsel for the parties and have gone through the records of the case.

9. Learned counsel for the appellant has submitted that the present appeal has been filed on two grounds, one of the grounds is regarding route permit. However, counsel for the appellant has submitted that Insurance Company has verified the permit in respect of offending vehicle and found that route permit in respect of offending vehicle is a valid document and as such Insurance Company does not press the appeal qua point of route permit.

10. However, it is submitted that the Tribunal has allowed interest at the rate of 9% per annum, which is excessive.

11. I have carefully considered the said submission but do not find any force in that submission.

12. The learned Tribunal has allowed the amount of compensation as under :-

(i) Expenditure relating to hospitalization, medicine etc.	Rs.1,96,722/-
(ii) Loss of earnings during treatment	Rs. 27,000/-
(iii) Future medical expenses	Rs. 30,000/-
(iv) Damages for pain, suffering and trauma as a consequence of injuries	Rs. 10,000/-
(v) Expenditure incurred on nutritious food and transportation during treatment	Rs. 10,000/-
Total	Rs.2,73,722/-

13. In this case PW-3 Dr.R.K.Kaushal, Professor and Head of Department of Neuro Surgery, DMC, Ludhiana has stated that claimant Harjit Singh received serious head injury and pan-facial fractures and was operated upon for the same. Harjit Singh remained admitted in DMC, Ludhiana from 26.3.2012 to 7.4.2012 and had been on follow up treatment. This doctor has proved the amount of Rs.1,96,722/- on the medicines. So, an amount of Rs.2,73,722/- cannot be said to be excessive. The grant of interest is the discretion of the Tribunal and normally Tribunal grants the interest according to the bank rates. So, the discretion exercised by the

Tribunal regarding grant of interest cannot be said to be arbitrary. So, no ground for interferring in the appeal is made out.

14. Consequently, the appeal is without any merit and the same stands dismissed.

15. A copy of this judgment be sent to the Tribunal for strict compliance.

(K.C.PURI)
JUDGE

July 06 , 2015
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