

**113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.4187 of 2015 (O&M)
Date of Decision: July 14, 2015**

Rakesh Kumar

.... Appellant

vs.

Manpreet Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Suram Singh Rana, Advocate for the appellant.

- 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?*

Kuldip Singh J.(Oral)

This appeal has been filed against the Award dated 16.04.2015 passed by the Motor Accident Claims Tribunal, Gurdaspur (in short 'the Tribunal').

The brief facts of the case are that on 24.12.2011, the claimant (respondent No.1 herein) was driving a motorcycle bearing registration No.PB-06N-7719. At about 7.00 p.m., when he reached near the place Alle Chack Di Kothi, the present appellant while driving his tractor bearing registration No.PB-54-9183 rashly and negligently hit the motorcycle of the claimant and thereafter fled away from the place of occurrence. Claimant Manpreet Singh was first shifted to Civil Hospital, Gurdaspur where he was given first-aid. Thereafter, he was referred to Amandeep Hospital, Amritsar, where he was operated and his left leg was amputated. FIR No.19, dated

12.01.2012 in this regard was registered at Police Station Dinanagar. It is stated that the claimant was 23 years of age at the time of accident and was a student of Civil Engineering in Sardar Sukhjinder Singh Polytechnic and Pharmacy College. He remained admitted in Amardeep Hospital, Amritsar from 24.12.2011 to 06.01.2012 and spent more than ₹6,00,000/- on his treatment, which is still going on.

The Tribunal after recording the evidence, noticed that as per disability certificate (Ex. C1), the amputation of the left leg resulted into 80% permanent disability. The Tribunal awarded ₹1,00,000/- for loss of marriage prospects and ₹1,20,000/- on account of pain and agony undergone by him. ₹1,50,000/- were also awarded on account of transportation and special diet. The medical bills amounting to ₹6,08,369/- were also allowed. Notional income of the claimant was assessed @ ₹5,000/- per month and multiplier of 18 was applied as per the age of the claimant. The Tribunal awarded the total compensation to the tune of ₹19,60,369/- along with interest @ 7.5% per annum from the filing of the claim petition till its realization. Since the tractor was un-insured, the owner and driver were held liable jointly and severally to pay the compensation.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

Learned counsel for the appellant has argued that in this case involvement of the present appellant-driver of the offending tractor is not proved as it is claimed that he had slipped away from the spot.

To prove the accident, the claimant-respondent No.1 appeared himself into the witness box as CW1 and also examined eye witness of the occurrence Surinder Pal Singh as CW2.

In this case, FIR was registered and investigation was carried out. It also comes out that in the accident, not only the left leg was amputated but one arm was also incapacitated. The artificial limb has to be fixed. Therefore, there is nothing to dispute the identity of the present appellant as driver of the offending vehicle.

The Tribunal took into consideration the fact that the claimant was doing diploma in Civil Engineering and was also earning from tuition as well. The income of the deceased was assessed @ ₹5,000/- per month, which is otherwise minimum wages. For the purpose, after applying the multiplier of 18, as per the age of the claimant, ₹4,32,000/- on account of future loss of income, were awarded.

Therefore, there is no illegality of infirmity in the impugned Award passed by the Tribunal. The present appeal is dismissed accordingly.

July 14, 2015
sarita

(KULDIP SINGH)
JUDGE