

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

-:-

**F.A.O No. 9156 of 2014 (O&M)
Decided on : January 15, 2015**

Gurpreet Singh

... Appellant.

Versus

Rajinder Kumar Dhawan & Ors.

... Respondents

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Mohit Jaggi, Advocate, for the appellant.

Mahavir S. Chauhan, J. (Oral)

C.M No. 312-C-II of 2015

By way of this application, applicant-appellant prays that certified copy of judgment dated 26.09.2014 passed by the learned Judicial Magistrate, Class-I, Bathinda, whereby the appellant has been acquitted of the offences under Section 279/337/338 and 427 of the Indian Penal Code, 1860, be allowed to be placed on record.

The application is allowed.

Certified copy of judgment dated 26.09.2014 is taken on record, subject to all just exceptions.

F.A.O No. 9156 of 2014

By way of this appeal, appellant- Gurpreet Singh, driver-cum-owner of the offending Car bearing registration No. HR-12-D-3485, challenges award dated 19.05.2014, whereby compensation amounting to

Rs.5,82,000/- with interest @9% per annum has been awarded by the learned Motor Accident Claims Tribunal, Fast Track Court, Bathinda, ('the Tribunal' – for short) in favour of applicant-Ravinder Kumar on account of the injuries received and disablement incurred by him in a motor vehicle accident caused by rash and negligent driving of the offending vehicle by the appellant on 15.12.2010. The claim application was contested by the appellant and after evidence of both the sides was complete, learned Tribunal appraised it, heard the parties and allowed compensation in favour of the applicant, as aforesaid.

I have heard learned counsel for the appellant.

Grievance of the appellant is that the appellant has been acquitted in the criminal proceedings arising out of the occurrence out of which the aforesaid claim application had arisen and that the compensation awarded is on the higher side.

Nothing more has been urged.

Before proceeding further it may be stated that acquittal or conviction of driver of the offending vehicle by the criminal Court is hardly a circumstance to have bearing on the findings of the Tribunal because the Tribunal is expected to reach its conclusion on the basis of evidence brought before it by the parties. There may be a case where no criminal case against the driver of the offending vehicle is registered, but that may not be sufficient to dislodge claim of applicant to seek compensation.

Be that as it may, a perusal of the impugned award would reveal that to prove the occurrence applicant-respondent examined Sanjeev Kumar

as a witness of the occurrence. Witness was cross-examined on behalf of the appellant, but he did not allow himself to dither away from the mainstay of the case. Even in the judgment dated 26.09.2014, learned criminal Court has acquitted the appellant by giving him a benefit of doubt. This judgment cannot be said to be a judgment on merits of the case.

As regards grant of compensation, it is found that applicant-respondent has suffered 65% disability. Learned Tribunal has awarded Rs.1,30,000/- on account of loss of income caused by disability, Rs.25,000/- for pain and suffering, Rs.20,000/- for special diet, Rs.30,000/- for attendant, Rs.20,000/- on account of transportation expenses, Rs.60,000/- for loss of income, Rs.10,000/- on account of loss of enjoyment of life and Rs.15,000/- for future treatment. It has also come on record that the applicant-respondent received multiple injuries on various parts of his body including head. He remained admitted in the Dayanand Medical College and Hospital, Ludhiana, from 15.12.2010 to 03.01.2011 and from 09.06.2011 to 21.06.2011. On his treatment, an amount of Rs.2,36,993/- was spent by the applicant as evidenced by bills Exhibits C-34 to C-112.

In view of the above, the compensation awarded by the leaned Tribunal cannot be said to exaggerated or on the higher side. Resultantly, I do not find any reason to interfere with the findings recorded by the learned Tribunal.

Dismissed.

January 15, 2015
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[Mahavir S. Chauhan]
Judge