

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

Date of Decision : 01.02.2016

**1) CM No.2182-CII of 2016 in/and
FAO-5068-2015**

Jyoti Garg

..... Appellant

Versus

Simerjit Kaur and another

..... Respondents

**2) CM No.2048-CII of 2016 in/and
FAO-5071-2015**

Jyoti Garg

..... Appellant

Versus

Baldev Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.K. Handa, Advocate
for the appellant.

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?

AJAY TEWARI, J. (Oral)

These are applications for staying the further proceedings in
execution application. On the request of the learned counsel, the main cases

are also taken up for hearing today itself.

Since the facts are same both the appeals are decided by the common order.

These two appeals have arisen from the same accident. Baldev Singh and his wife were travelling on a motorcycle when they were hit by the car owned by the appellant. They both received injuries. The claimant-Baldev Singh suffered fracture of hip joint and suffered permanent with disability of 50% and the claimant Simarjit Kaur suffered fracture of fibula. The Tribunal held that both the claimants had given exaggerated version of their earning and held that Simarjit Kaur was a housewife and took her contribution as Rs.3000/- p.m. and assessed the compensation on that basis while that of Baldev Singh he was assumed as a casual worker and income of Rs.6000/- p.m. was taken to be his income.

Learned counsel for the appellant has argued that there was no evidence at all that Baldev Singh were earning the amount aforementioned.

In my opinion, this argument is fallacious. What they had claimed was a higher income but the Tribunal held that they had not been able to prove higher income and took their income on the rock-bottom basis. Resultantly, the income of Rs.6000/- p.m. and Rs.3000/- p.m. as taken up the income in the case of injured cannot be held to be excessive in any manner.

The second argument of the learned counsel is that in the petitions there was no claim for special diet, transportation and attendant whereas the Tribunal has awarded very high compensation under those

heads.

In my opinion, this argument is also fallacious. There are some things of which judicial notice can be taken and these three heads fall in that category. The person who has suffered injury must have taken some special diet as per his economic status. Likewise, when the person is admitted to hospital for 1½ months (as happened in the present case) and has suffered permanent disability, he has to visit the hospital regularly and therefore the compensation towards transportation cannot be said to be excessive or illegal. Even the compensation towards attendant cannot be said to be excessive.

Resultantly, both the appeals as well as the applications are dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 01, 2016

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**(AJAY TEWARI)
JUDGE**