

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

FAO No.4187 of 2016 (O&M)

Date of decision : 06.09.2016

New India Assurance Company Ltd.

.....Appellant

Versus

Kulwant Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Vinod Gupta, Advocate for appellant.

DARSHAN SINGH, J.

The present appeal has been preferred by the New India Assurance Company Limited against the award dated 26.04.2016 passed by the learned Motor Accidents Claims Tribunal, Kurukshetra (hereinafter called the "Tribunal") vide which respondent No.1/claimant has been awarded compensation to the tune of Rs.86,180/- on account of injuries suffered by him in the motor vehicular accident, which took place on 17.10.2015.

2. The present appeal has been preferred by the appellant-Insurance Company (who was impleaded as respondent No.2 in the claim petition) to assail the award.

3. I have heard learned counsel for the appellant and have gone through the paper-book carefully.

4. Mr. Vinod Gupta, Advocate, learned counsel for the appellant-Insurance Company contended that the learned Tribunal has

awarded exaggerated amount of compensation. Respondent No.1/claimant has not suffered any permanent disability even then he has been awarded Rs.50,000/- towards pain, suffering, trauma and loss of amenities on account of the injuries. He contended that the claimant was not entitled for so much amount under this head.

5. I have duly considered the aforesaid contentions.

6. The learned Tribunal has awarded a total sum of Rs.86,180/- as compensation to respondent No.1/claimant for pecuniary and non-pecuniary losses/damages. As per the evidence brought on record, the claimant has suffered multiple serious and grievous injuries on various parts of his body including fracture on his right leg and head. After the accident, he was taken to CHC, Shahabad. Thereafter, he was referred to PGI, Chandigarh but he was taken to Government Medical College and Hospital, Sector 32, Chandigarh. He remained admitted there as indoor patient for many days. During this period, he underwent operation. It shows that the claimant has suffered various multiple and serious injuries including the fractures. Thus, it cannot be stated that the amount of Rs.50,000/- awarded by the learned Tribunal on account of pain, suffering, trauma and loss of amenities as a consequence of the injuries is exorbitant.

7. Consequently, the present appeal being without any merit is hereby dismissed.

06.09.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No