

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

FAO No.5328 of 2016 (O&M)

Date of decision: December 21, 2016

National Insurance Company Limited

... Appellant

Versus

Angrej Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Sidhu, Advocate for the appellant.

Rajan Gupta, J.

Appellant National Insurance Company Limited has impugned the award dated 28.01.2016, passed by Motor Accident Claims Tribunal, Patiala, whereby compensation has been awarded to the claimant on account of injuries suffered by him in the accident.

Learned counsel for the appellant has argued that three persons were riding on the motorcycle and the tribunal has wrongly held driver of the Scorpio responsible for causing the accident. On the other hand, it was a case of contributory negligence. Thus, award passed by the tribunal deserves to be set-aside.

I have heard learned counsel for the appellant and given careful thought to the facts of the case.

Accident occurred on 6.12.2012, wherein claimant/respondent No.1 and his wife Simranjit Kaur received multiple grievous injuries. FIR No.182 dated 7.12.2012 was registered under sections

279/337/338/427 IPC at Police Station City Samana. In support of his case claimant himself appeared as PW-1 and also examined Dr. Ankush Jindal as PW-2 and Dr. Pardeep Arora as PW-2. On appraisal of evidence, the tribunal came to the conclusion that accident occurred due to rash and negligent driving of offending vehicle by respondent No.3. As regards quantum of compensation, the claimant suffered 25% permanent disability and the tribunal has awarded a total compensation of Rs.3,20,230/- under various heads as detailed below:-

1.	Monthly income	Rs.8000/-
2.	Loss of income after deducting 1/3 towards the personal expenses	Rs.8000 – 2666.66 = 5333.34
3.	Compensation after multiplier of 16 applied on account of 25% permanent disability	Rs.2,56,000.32
4.	Pain and suffering	Rs.20,000/-
5.	Compensation on account of medical expenses.	Rs.44,230/-
	Total:	Rs.3,20,230/-

There appears to be no apparent error in appraisal of evidence by the tribunal. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 21, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No