

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

FAO No. 9183 of 2014

Date of decision : 29.09.2016

Naresh Kumar

....Appellant

V/s

Jawahar Kumar Yadav & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.K. Bagri, Advocate for the appellant.

Mr. Rajbir Singh, Advocate for the respondent no. 3.

RAJAN GUPTA J.

Present appeal has been filed by appellant seeking enhancement of compensation granted by Motor Accidents Claims Tribunal, Rewari.

Learned counsel for the appellant submits that compensation awarded is on the lower side. Only a paltry sum of ₹10,000/- has been awarded by the tribunal which is inadequate. Thus, same needs to be enhanced.

Learned counsel appearing for the respondent no. 3-insurance company submits that adequate compensation has already been granted by the tribunal.

I have heard learned counsel for the parties.

It appears that on 03.05.2012 at about 8.00 a.m. driver of the appellant namely Dharampal was returning from Rewari to his village Ransi Majri in Qualis bearing registration No. DL 4CM 6059 owned by the appellant. As he reached Banipur Chowk on NH-8 and crossed the highway, a traula bearing registration No. HR-55-F-8238 driven by respondent no. 1

in a rash and negligent manner struck against the Qualis driven by Dharampal from the back side. Respondent no. 1, however, fled from the spot. Driver of the appellant, however, did not sustain any injury. Matter was reported to the police and FIR No. 73 dated 03.05.2012 under sections 279, 336 & 427 IPC was lodged. Tribunal came to the conclusion that accident had occurred due to rash and negligent driving by respondent no. 1 and awarded compensation of ₹10,000/- on account of pain and suffering and other expenses etc. I find no infirmity with the order. I am of the considered view that adequate compensation has been granted by the tribunal after taking into account entire facts and circumstances. Therefore, question of enhancing the compensation awarded by the tribunal does not arise. Accordingly, no interference is required in appellate jurisdiction of this court. Appeal is without any merit and is hereby dismissed.

September 29, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No