

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 2434 of 1995 (O&M)

Date of decision : 28.09.2017

Hardyal Singh

...Appellant

versus

Mohammad Essa and others

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present : Mr. Nagar Singh, Advocate for
Mr. A.S. Virk, Advocate
for the appellants.

Mr. Gopal Mittal, Advocate
for respondent Nos. 2 & 3.

RAJIV NARAIN RAINA, J. (ORAL)

1. This is an appeal filed by the appellant against the award passed by the Motor Accident Claims Tribunal, Kurukshetra on 25.04.1995. The accident occurred on 15.04.1993 on the G.T. Road, near Pipli.

2. Keeping in view the nature of the injury, 15% permanent injury assessed by the Medical Officers and fracture of both legs, ₹ 1,00,000/- had been awarded as compensation which has been reduced to half on the evidence that the injured was under the influence of alcohol when the accident occurred and, therefore, was guilty of contributory negligence. In this manner, the compensation was reduced to ₹ 54, 500/- with interest @ 12% payable from the date of the filing

of the claim petition till actual realization.

3. The evidence has come that the injured claimant was under the influence of liquor. The conclusion is inescapable since the injured was taken to PGI, Chandigarh on the same day and his treatment was started and blood samples drawn during treatment would confirm alcohol levels impeding judgment and reflexes. I have no reason to disagree with the findings of the learned Tribunal that consumption of alcohol contributed to the accident.

4. The learned Tribunal has awarded ₹ 30,000/- for treatment and conveyance and ₹20,000/- on account of pain and suffering and ₹50,000/- for permanent disability adding it to the make a total and reduced it by 50%. An amount of ₹ 9,000/- has been awarded for money spent on repairs of the motorcycle, the appellant was riding at the time of accident as owner which amount has also been halved by applying the principle of contributory negligence causing the accident. Since the Bus involved was owned by State Transport, it was liable to pay only half the amount assessed.

5. I find no infirmity in the award or in the amounts awarded, which are appropriate in times past. The injury was suffered in 1993 and the award was passed in 1995. No room for increase of compensation is made out in appeal. The findings on contributory negligence are not liable to be overruled. The same are affirmed.

6. As a result, the appeal is dismissed.

7. The amounts outstanding under the award of the learned

Tribunal be disbursed to the injured-claimant with 12% interest as awarded by the learned Tribunal, if not already discharged in satisfaction of the award.

(RAJIV NARAIN RAINA)
JUDGE

September 28, 2017

kv

Whether speaking/reasoned : *Yes*

Whether reportable : *No*