

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.282 of 1997

Date of Decision: 10.10.2017

Superintending Engineer

.....Appellants

Vs.

Gurmohan Singh Walia and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.A.K.Singla, DAG, Punjab.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 06.06.1996, passed by the learned Motor Accident Claims Tribunal, Rupnagar (for short, 'the Tribunal') vide which compensation to the tune of Rs.75,000/- was awarded to the claimant-Gurmohan Singh Walia on account of injuries suffered by him and Rs.10,000/- has been awarded to the claimant -Ravinder on account of damages of scooter.

On 23.12.1991, the claimant-Gurmohan Singh was purchasing the medicines from Phase No,VII and thereafter, he was going through the main road on scooter bearing No.PB-12-A/72 to his house. In the meantime, a Maruti Gypsy Jeep bearing No.CHK-3074 came from the Chowk of Phase-III and and V and VIII. It was driven rashly and negligently by driver and without blowing any horn and coming from the wrong side and hit the scooter of the claimant/appellants and fled away. In this case, claimant suffered injuries. The accident was caused by Harvinder Singh respondent No.3 while he was driving Zipsy bearing No. No.CHK-3074.

On notice, written statement was filed by the respondents and compensation has been claimed on the basis of report was lodged with the

Police. A copy of report Annexure A-1. Injured was sent to hospital for medical treatment at the hospital Phase-6 Mohali. After recording the statement of Dr.Amritpal Singh who was working at Government Dispensary, Phase 11, Mohali. The MLR was proved as Ex.A3. He next deposed that on X-ray examination of the chest no bone injury was detected and on X-ray left knee fracture of left tibia was detected and doctor further stated that injuries has been received on account of motor accident. The accident stand proved as per deposition of one Sher Singh PW-7 who proved the mechanical report Mark-A. Dr.R.P.S.Walia who has appeared as PW-8 stated in his opinion that permanent disability was of 20% of the left knee. The respondents examined driver Harvinder Singh as RW-1 and Dogar Singh as RW-2 who placed the judgment given by the trial Court against the driver.

A perusal of the award shows that accident had taken place on account of rash and negligent of driver-Harwinder Singh and compensation has been assessed on the basis of medical evidence and by taking the income of the claimant-Gurmohan Singh as Rs.3,000/- per month as he was employee of Punjab State Electricity Board. He has been awarded Rs.75,000/- as compensation and with regard to compensation of claimant-Ravinder, he has been awarded Rs.10,000/- on account of damage of the scooter.

So in the light of the discussion, the judgment of the learned Tribunal do not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

10.10.2017
anil

Whether speaking/reasoned Yes/No
Whether reportable Yes/No