

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.664 of 2000

Date of Decision: 10.11.2017

Pawan

.....Appellant

Vs.

Sukhchain Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Tarun Yadav, Advocate, for the appellants.

Mr.Mohit Nehra, Advocate, for respondent No.2.

Mr.Pardeep Goyal, Advocate, for the respondent/Ins.Co.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant (for short 'the appellants'), against award dated 18.11.1999, passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') vide which compensation to the tune of Rs.1,46,000/- was awarded to the claimant on account of injury suffered by him.

FACTS NOT IN DISPUTE

On 10.06.1996, the claimants along with their family members i.e. parents including the registered owner of the car in question started their journey from Delhi to Mata Veshno Devi and the car was being driven by its driver Pawan Kumar at a very normal speed by following the traffic rules and which at about it reached ahead of Toll Tax near bus stop of village Jhanjhari and was on due left side of the road, the offending truck bearing registration No.HNA 1535 being driven by respondent No.1 in a rash, negligent and zig zag manner without observing the traffic rules came from

the opposite side and hit the car of the claimants while coming on the wrong hand side of the road and the car was totally damaged and two persons died at the spot and their mother died lateron and other persons sitting in the car also received serious, grievous and multiple injuries on their person. An FIR No.340 dated 10.06.1996 has been registered for the offence under Sections 279, 337, 338, 304-A IPC against the respondent No.1

COMPENSATION ASSESSED BY MACT

The Tribunal has held that Pawan Kumar suffered brain injury in the accident and at present he was not in a position to depose because of brain injury. The certificate Ex.P244 reveals that he had suffered 25% disability qua the whole body because of accident. The learned Tribunal had taken the income of the deceased as Rs.2,000/- per month. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. On the basis of above, the compensation has been assessed by the learned Tribunal as under:

Sr.No.	Heads of compensation	Amount
1	Loss of income as per disability 25% and keeping in view the multiplier (16) as he was 30 years old at the time of accident	Rs.500/- X 16 X 12= 96,000/-
2.	Pain and suffering	Rs.15,000/-
3.	Special diet and transportation	Rs.10,000/-
4.	Medical Expenses	Rs.25,000/-
	Total	Rs.1,46,000/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, in view of the judgment " **National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on**

31.10.2017. On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

In view of the above, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference as compensation has been rightly assessed by the learned Tribunal in all counts. The appeal is dismissed as such.

(RITU BAHRI)
JUDGE

10.11.2017

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No