

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

**FAO No.361 of 1999 (O&M)
Date of decision: 25.09.2017**

State of Haryana and another

....Appellants

Versus

Satish Kumar and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sidharth Sanwaria, DAG, Haryana
for the appellants.

Mr. R.K. Bashamboo, Advocate,
for respondent No.4-Insurance Company.

RITU BAHRI J. (Oral)

State of Haryana-appellant has filed this appeal against the award dated 03.11.1998 passed by Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'the Tribunal'), whereby compensation of Rs.2,26,000/- has been awarded in favour of the claimant-Satish Kumar (respondent No.1 herein) on account of injuries received by him in a motor vehicular accident which took place on 26.01.1997.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 26.01.1997, claimant-respondent No.1 was going from Ambala in a bus bearing registration No.HR-03-7810, which was being driven by Prithvi Singh-respondent No.2 (respondent No.3 in the claim petition) in a rash and negligent manner. At about 1.30 P.M., when the bus reached near Lalru, it struck against a canter

bearing registration No. CH-01-R-3622, as a result of which, claimant received injuries on his eyes and fracture on his left arm and leg. He along with other injured was shifted to Civil Hospital, Dera Bassi, from where he was referred to PGI, Chandigarh. Later on, the claimant got treatment from Dr. Pardeep Aggarwal of Mani Majra and remained admitted for 10/12 days. One of the passengers had died in the said accident. Consequently, claimant-respondent No.1 filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of rash and negligent driving of bus bearing registration No. HR-03-7810 by Prithvi Singh-driver and thus, returned the finding on issue No.1 in favour of the claimant. The claimant was working as scrap dealer (*kabari*). The Tribunal has observed that after the accident, claimant was getting as salary of Rs.2500/- per month by rendering his services with somebody else. His earlier income from the business of *kabari* was assessed as Rs.3000/- per month. Accordingly, he had suffered loss of income to the tune of Rs.500/- per month. As per disability certificate, Ex.P2, the claimant had suffered disability to the extent of 12%. He was aged about 45 years at the time of accident. After applying the multiplier of 15, his future loss came to be Rs.90,000 (500 x 12 x 15). Further, Rs.36,000/- were awarded on account of loss of income. In addition to it, Rs.50,000/- were awarded on account of pain and sufferings and Rs.50,000/- on account of medical expenses, special diet, attendant charges and transportation etc. Ultimately, the claim petition was accepted and the claimant was found entitled to a total compensation of Rs.2,26,000/- along with interest at the rate of 12% per annum from the date

of filing of the petition till realization. Feeling dissatisfied with the impugned award, the appellant-State of Haryana etc. have preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the claimant has received injuries as a result of the accident. Finding on issue No.1 has been rightly given by the Tribunal on the basis of deposition of claimant-injured Satish Kumar, who while appearing as PW-1, reiterated the entire allegations with regard to rash and negligent driving of driver of the offending bus. Moreover, a criminal case had also been registered against the driver. Prithvi Singh, driver of the offending bus, had appeared as RW-1 and admitted that a criminal case had been registered against him and after the accident, offending bus had been impounded. In view of the said fact, finding on issue No.1 is not required to be interfered.

As regards the quantum of compensation, the Tribunal has correctly assessed the income, disability of injured, loss of future income, pain and sufferings etc. by examining entire evidence in the right perspective. No illegality, much less perversity, has been found in the impugned Award warranting interference by this Court.

Resultantly, finding no merits, the present appeal is dismissed.

(RITU BAHRI)
JUDGE

25.09.2017
ajp

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