

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1135 of 2001

Date of Decision: 15.12.2017

Angat Singh

....Appellant

V/S

Maghar Singh and others

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Ms. Ekta Thakur, Advocate,
for the appellant.

Mr. Mohinder Kumar, Advocate,
for respondent No.1.

Mr. Gopal Mittal, Advocate and
Mr. Pardeep Goyal, Advocate,
for respondent No.4.

RITU BAHRI, J.(Oral)

The present appeal has been filed by the claimant-appellant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') to the tune of Rs.1,26,394/-, vide impugned award dated 09.08.2000 on account of injuries suffered by the claimant on road accident.

Brief facts of the case are that, applicant-Angat Singh (appellant) was on the pillion seat of the scooter and Ranjit Singh was driving Scooter bearing registration No.CH01-L-4733. They were coming from Chandigarh to their village Khuda Alisher at normal speed and on the left side of the road,, when they

reached near Kansal turn, opposite to Arun Shop, Maghar Singh respondent No. 1 came driving Tractor No. HMT 5911, CH 01-X-9481 from the opposite side. He was driving the tractor rashly and negligently manner and struck the Tractor with scooter, which was being driven by Baljit Singh, as a result of which Baljit Singh received fatal injuries and died on the spot whereas, appellant received injuries and including fracture of his right leg. In this regard an FIR No. 65 dated 15.3.1999 was got registered under Sections 279, 337 and 338 IPC in Police Station West, Chandigarh by the applicant. Consequently,claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of negligent and rash driving of the vehicle by Maghar Singh, Driver-respondent No.1. This finiding was rightly given on the basis of FIR Ex.P1 and as per the disability certificate Ex. P1/A he has 30 % impairmant in relation to his whole body and 30% disability has not been described as permanant in nature. The Tribunal has assessed the income as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Compensation towards 30% disability	Rs.1,00,000/-
(ii)	On account of medical Bills	Rs.8394/-
(iii)	On account of loss of income for six months	Rs.18,000/-
	Total	Rs.1,26,394/-

Feeling dissatisfied with the compensation awarded to the cliamant vide impugned award, the claimant-appellant has preferred the present appeal.

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

file.

However, vide Ex. P1/A it is clear that 30% disability is not in permanent in nature and there is no evidence led by the claimant towards the same and the compensation awarded on account of disability Rs.1,00,000/- is enough and need not to be enhanced. Compensation awarded for loss of income for the six month i.e. Rs. 18000/- need not to be enhanced because there is no evidence led by learned counsel for the claimant that he has retained services of migrant labourer.

Hence, after going through the findings of the impugned Award, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

Dismissed.

December 15th, 2017
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(RITU BAHRI)
JUDGE