

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

FAO No. 4021 of 2010

Date of decision : 12.01.2017

Rakesh

....Petitioner

V/s

Zamil Beg & ors.

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gaurav Gupta, Advocate for the appellant.

Ms. Alka Sarwan, Advocate for

Mr. Vikas Chatrath, Advocate for respondent no. 3.

RAJAN GUPTA J.

Challenge in the present appeal is to the award passed by tribunal granting ₹41,760/- as compensation to the appellant for certain injuries suffered by him. Order has been assailed on the ground that compensation awarded is on the lower side. Tribunal did not take into account the disability suffered by the appellant as well as expenses incurred by him after the accident and sufferings caused to him.

I have heard learned counsel for the parties.

An accident took place on 22.07.2006. Claimants Rajesh was traveling in a truck as a second driver alongwith Zamil Beg. At about 6:30 p.m. when they reached at Parasoli bus stand, driver of his truck hit against a woman namely Ram Kanya while she was crossing the road. She died on the spot on account of rash and negligent driving by driver of the truck. After the said accident, their trolly struck against another truck coming from Jaipur side. Appellant who was sitting in the cabin sustain certain injuries

for which he underwent treatment. The doctor found that appellant had suffered 7% disability. On a claim petition being filed, tribunal came to the conclusion that accident had occurred due to rash and negligent driving by respondent no. 1. It, thus, awarded ₹15,000/- in lieu of disability and another ₹26760/- under various other heads. In my considered view compensation has been correctly assessed by the tribunal and calls for no interference in appellate jurisdiction. Dismissed.

January 12, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No