

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.100 of 2013

Date of Decision: 06.11.2017

Surinder Sharma

.....Appellants

Vs.

Jaswinder Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:-

Mr.MK Garg, Advocate,  
for the appellant.

Mr.Neeraj Khanna, Advocate, and  
Mr.Ravinder Arora, Advocate, for  
the respondent/Insurance Co.

\*\*\*\*\*

**RITU BAHRI, J. (ORAL)**

**CM No.475-CII of 2013**

For the reasons stated in the application, delay of 127 days in  
filing the appeal is condoned.

Application stands disposed of.

**Main Case**

Present appeal has been preferred by the claimants-appellants (for  
short 'the appellants'), against award dated 24.04.2012, passed by the learned  
Motor Accident Claims Tribunal, Fatehabad (for short, 'the Tribunal') vide  
which compensation to the tune of Rs.48,218/- was awarded to the claimant  
on account of injury suffered by him.

On 10.12.2010, Surinder Singh-claimant along with Malkeet  
Singh (since deceased) was proceedings towards village Khanori, District

reached opposite State Bank of Patiala in the area of village Khanori, then offending vehicle bearing registration No.PB-13U 4165 and which was being driven in a rash and negligent manner by Jaswinder Singh respondent came from opposite direction and struck against one lady and who fell down on the road. After that, the offending vehicle struck against the ill-fated vehicle resulting in injuries to both its occupants. Even the offending vehicle did not stop there and which against struck against one car bearing registration No.HR-08-3798. Due to impact, Malkeet Singh as well as Surinder Sharma fell down from the ill fated vehicle and were taken to civil hospital, Tohana and ultimately Malkeet Singh succumbed to the injuries. The claimant-Surinder Sharma had received multiple injuries. A criminal case bearing FIR No.93 dated 10.12.2010 for the commission of offence punishable under Section 279/337/304-A and 427 of IPC was registered.

Learned Tribunal has held that the claimants had received serious and multiple injuries on the various parts of his body. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed by the learned Tribunal is as under:

| Sr.No. | Heads of compensation                                     | Amount      |
|--------|-----------------------------------------------------------|-------------|
| 1      | Pain and suffering                                        | Rs.10,000/- |
| 2.     | Medical Bills (as per Ex.P8 and Ex.P2 to Ex.P7 and Ex.P9) | Rs.20,218/- |
| 3.     | Loss of income                                            | Rs.18,000/- |
|        | Total                                                     | Rs.48,218/- |

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to

be enhanced. He further submits that the loss of consortium awarded by the

Tribunal is on the lower side and further nothing has been awarded towards love and affection to parents, who were fully dependent upon the deceased. On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

I have heard learned counsel for the parties and perused the record.

A perusal of the impugned order shows that this is a injury case and compensation has been rightly awarded by the learned Tribunal in each and every head and nothing is required to be enhanced in any manner. So in the light of the discussion, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence, the present appeal stands dismissed.

**(RITU BAHRI)**  
**JUDGE**

**06.11.2017**

*anil*

*Whether speaking/reasoned Yes/No*

*Whether reportable Yes/No*