

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.10350 of 2014 (O&M)

Date of Decision: 15.12.2017

Surender

.....Appellant

Vs.

Nehru and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.S.K.Panwar, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

CM No.26445-CII of 2017

For the reasons stated in the application, delay of 611 days in filing the accompanying restoration application to the appeal is condoned.

Application stands disposed of.

CM No.26446-CII of 2017

For the reasons stated in the application, application for restoration of the accompanying appeal is allowed. The appeal is restored at its original number and taken up for today itself.

Application stands disposed of.

CM No.28568-CII of 2014

For the reasons stated in the application, delay of 53 days in filing the the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 18.04.2014, passed by the learned

which compensation to the tune of Rs.61,130/- was awarded to the claimant on the injuries sustained by him.

FACTS NOT IN DISPUTE

On 11.05.2012, the claimant was travelling in the offending three wheeler No.HR-38P-4960 for going to Palwal from his village. It was being driven by respondent No.1 in a rash and negligent manner and at a very high speed. The claimant and other occupants asked its driver to drive it in a moderate speed but he did not adhere to their request. When the three wheeler reached at Khedla more Palwal, Rasulpur, Road, respondent No.1 suddenly turned it in a very rash and negligent manner and at a high speed towards Palwal side as a result of which the three wheeler struck with the back side of the dumper coming from Palwal side at its correct side. Resultantly, the three wheeler turned turtle and the claimant and other occupants sustained multiple grievous and fatal injuries on his person and vital parts of his body including abdomen, face, spine, left elbow, knee as well as multiple fractures D6 vertebra due to which the appellant has become a permanently disabled person. The FIR No.113 dated 29.05.2012 for the offence under Sections 279, 337, 338 IPC was registered against respondent No.1.

COMPENSATION ASSESSED BY MACT

The claimant has filed present claimant petition on account of his treatment and other expenses incurred after the accident. While he appearing as PW3 deposed that after the accident he was taken to Om Spero Hospital Palwal on 11.05.2012 and remained admitted there upto 15.05.2012. He further stated that he spent Rs.2,00,000/- on his treatment , special diet, attendant, transportation and also suffered pain and suffering.

He produced the medical bills with regard to his treatment.

The Tribunal held that the deceased was 40 years old as per MLR and the claimant failed to produce on the record any documentary evidence regarding his income. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under :-

Sr.No.	Heads of compensation	Amount
1	Transportation Charges	Rs.5,000/-
2.	Attendant charges	Rs.5,000/-
3.	Special diet	Rs.5,000/-
4.	Pain and suffering	Rs.5,000/-
5.	Enjoyment and immunities in life	Rs.5,000/-
6.	Loss of income	Rs.830/-
7.	Medicines	Rs.35300/-
	Total	Rs.61,130/-

A perusal of the abovesaid table shows that the compensation was awarded to the claimant on account of of injuries suffered by him is just and reasonable and no further modification is required to be made and 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

15.12.2017
anil

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