

FAO-2773-2015,
FAO-2810-2015 and
FAO-2982-2015

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) FAO-2773-2015 (O&M)

Tasvir ...Appellant

Versus

Gurmeet Singh and others ...Respondents

(2) FAO-2810-2015 (O&M)

Shabho Devi ...Appellant

Versus

Gurmeet Singh and others ...Respondents

(3) FAO-2982-2015 (O&M)

Sunil ...Appellant

Versus

Gurmeet Singh and others ...Respondents

Date of decision: - 10.08.2017

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Bali, Advocate, for the appellants.

Mr. Parvinder Singh, Advocate, for respondent Nos.1 and 2.

Mr. Rajesh Lamba, Advocate, for respondent No.3.

RITU BAHRI, J. (Oral)

The appeals, as noticed above, are being decided by this common judgment, having arisen out of the impugned Award dated 04.10.2014, passed by the learned Motor Accident Claims Tribunal, Panchkula.

The appellants are seeking enhancement of the amount of compensation awarded by the Tribunal.

Briefly the facts of the case are that on 28.11.2012, the claimants were travelling in a car bearing registration No.HR-70-9526 and were going to Kaithal road from Pehowa. At about 12.45 PM, when their car reached near village Gumthala, then suddenly a truck bearing registration No.PB-65-L-1671 appeared from opposite side, which was being driven at high speed, rashly and negligently by respondent No.1. The offending truck rammed into the car causing grievous injuries to all its occupants. Thereafter, FIR No.399 dated 28.11.2012, under Sections 279, 337 and 338 IPC was registered in Police Station Pehowa.

Respondents contested the claim petitions on all accounts. 'The Tribunal' considered the material and evidence available on file, awarded compensation to the tune of ₹39,677/- claimant-Tasvir Singh; ₹25,000/- each to claimants-Shabho Devi and Smt. Sunil.

Being dissatisfied with the awarded amount of compensation, the appellants are in appeals before this Court.

Learned counsel for the claimants-appellants contends that the compensation awarded by the Tribunal is on the lower side and

deserves to the enhanced.

On the other hand, the learned counsel for the respondents has vehemently opposed the present appeal.

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

RE-ASSESSED COMPENSATION

FAO-2773-2015

Perusal of the award shows that appellant-Tasvir Singh was working as Pharmacist. PW4-Dr. K.K. Bansal in his cross-examination has stated that he checked the entire record before issuing disability certificate Ex.PW4/A to PW1. In disability certificate Ex.PW4/A, stiffness of right knee joint has been mentioned and disability was assessed at 15% in relation to right lower limb only but while granting the compensation nothing has been given to the claimant on account of disability.

Taking into consideration the fact that nothing has been awarded to the appellant on account of disability, therefore, the impugned award is hereby modified to the extent that the appellant-claimant is entitled compensation of ₹15,000/- towards the disability.

FAO-2810-2015

Learned counsel for the appellant submits that the claimant-Shabho Devi has suffered multiple fractures in her ribs and grievous injuries in her left hand. She took the treatment from Saraswati Mission Hospital, Pehowa and PGI, Rohtak and spent a sum of ₹1,50,000/- on her

treatment. She filed the treatment record as (Ex.PW2/B to Ex.PW2/G and MLR Ex.PW2/H) but nothing has been given to her for the treatment.

Perusal of the award shows that the claimant has placed on record her treatment record as (Ex.PW2/B to Ex.PW2/G and MLR Ex.PW2/H), however, she has lost the bills. Since the treatment record was not found to be false and fabricated by the Tribunal, therefore, the impugned award is hereby modified to the extent that the claimant is entitled a sum of ₹15,000/- towards the treatment.

FAO-2982-2015

In the case of present case, the claimant-Sunil was not able to prove 10% disability resulting for loss of earning but the fact shows that she has suffered 10% disability is not in dispute as per the deposition of PW4 Dr.K.K. Bansal. Therefore, keeping in view the fact that nothing has been awarded to the appellant on account of disability, the impugned award is hereby modified to the extent that the appellant-claimant is entitled compensation of ₹20,000/- towards the disability.

Accordingly, the instant appeals stand partly allowed.

August 10, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No