

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

**FAO-5301-2013 (O&M)  
Date of Decision:- 03.07.2017**

**Shri Ram General Insurance Company Ltd.**

**.....Appellant**

**Versus**

**Kharaiti Lal and others**

**.....Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. T.K. Joshi, Advocate,  
for the appellant-Insurance Company.

None for respondent No.1.

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

Appellant-Insurance Company has challenged the Award dated 01.04.2013, passed by the Accident Claims Tribunal, Jagadhari (hereinafter to be referred as 'The Tribunal'), whereby 'The Tribunal' awarded compensation of ₹1,61,694/- to claimant-respondent No.1 on account of injuries suffered by him in a motor vehicular accident which took place on 30.11.2010.

Relevant facts of the appeal are that on 30.11.2010, claimant Karaiti Lal was going to truck adda, Saharanpur road from his house on the cycle and when he reached in front of the gate of Sugar Mill, Yamuna

Nagar, a truck-bearing No.HR-58-1472, driven by Balkar Singh (respondent No.2) in a rash and negligent manner came from behind from Vishavkarma Chowk side and hit the claimant from the back as a result of which he fell down on the road due to the which the claimant sustained multiple grievous injuries and his cycle was also damaged. He remained admitted in J.P. Hospital, Yamuna Nagar from 30.11.2010 to 12.12.2010. An FIR No.598 dated 03.12.2010, under Sections 279, 337 and 338 IPC was registered at Police Station City, Yamuna Nagar for this accident.

Learned counsel for the appellant-Insurance Company has argued that the Insurance Company is challenging the Award only on the ground that the driver of the truck did not have the correct route permit and the appellant is not liable to pay any compensation to the claimant.

After hearing the learned counsel for the appellant, going through the record, this Court is of the considered view that the Tribunal has rightly held that the accident took place on account of rash and negligent driving of truck driver and even the extent of injuries was duly proved by Dr. Amit Goel, who was examined as PW3. Surinder Singh (PW4), an eye witness of the occurrence, has appeared and the issue with regard to accident, caused by the truck driver, was not an issue and the compensation has been awarded as per paragraph No.23 of the impugned Award. Moreover, the argument of learned counsel for the appellant-Insurance Company that the truck driver did not have the correct route permit would not only be sufficient to modify the Award rather it could be a case of violation of provisions of the Transport Department. The

amount of compensation awarded by 'The Tribunal' cannot be considered to be on higher side and since there is no illegality calling for interference by way of present appeal, therefore, the same is hereby dismissed.

July 03, 2017  
naresh.k

( RITU BAHRI )  
JUDGE

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