

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

**FAO No.3918 of 2015 (O&M)
Date of decision: 05.12.2017**

Hardeep Singh

....Appellant

Versus

Fateh Singh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vinay Saini, Advocate,
for Mr. G.S. Nagra, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Fast Track Court, Ropar (hereinafter referred to as 'the Tribunal') vide award dated 30.01.2015, on account of injuries received by him in a motor vehicular accident which took place on 11.06.2014.

Brief facts of the case are that on 11.06.2014, claimant-appellant was going from Ropar to his village Sanduan on a motorcycle bearing registration No.PB-12-R-0569. At about 12.15 P.M., when he reached near village Jagatpura, a Mahindra Pickup bearing registration No.PB-12-G-5449 being driven by respondent No.1 in a rash and negligent manner, came and hit the motorcycle, as a result of which, claimant-appellant fell down on the road and received injuries on various parts of the body. His motorcycle was also damaged in the accident. Claimant was taken to Civil Hospital, Chamkaur Sahib, from where he was referred to PGI,

Chandigarh. As per claimant-appellant, he had spent more than Rs.5 lacs on

his treatment. With regard to the accident, FIR No.106 dated 12.06.2014 was registered at Police Station, Chamkaur Sahib on his statement. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle i.e. Mahindra Pickup bearing registration No. PB-12-G-5449 by its driver-respondent No.1 and thus, returned finding on issue no.1 in favour of the claimant. This finding was rightly given on the basis of deposition of Hardeep Singh-claimant (PW-1) and the fact that FIR Ex.P9 was registered against the driver-respondent No.1. The claimant had proved on record medical bills Ex.P1 to Ex.P8 showing the expenditure incurred on his treatment, according to which, he had spent a sum of Rs.53,220/- in this regard. Accordingly, he was found entitled to this much amount on account of medical expenses. Apart from this, a sum of Rs.70,000/- was awarded for pain & sufferings, special diet and further treatment. Hence, the claimant was found entitled to a total compensation of Rs.1,23,220/- along with interest at the rate of 6% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

Learned counsel for the appellant has argued that the claimant (appellant) was doing the course of BBA from Bela College, Rupnagar and his future income would be around Rs.50,000/- per month, if he had not suffered injuries in the accident.

I have heard learned counsel for the parties and perused the

case file. The fact of accident is admitted and proved. There is no evidence on record to show that claimant-appellant has suffered any disability in the aforesaid accident. However, a sum of Rs.53,220/- has been awarded on account of medical bills. Further, a sum of Rs.70,000/- has been awarded on account of pain & sufferings, special diet etc.

After going through the impugned Award, this Court is of the view that the compensation has been rightly assessed by the Tribunal and no ground is made out to interfere therein.

Dismissed.

(RITU BAHRI)
JUDGE

05.12.2017
ajp

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