

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.2730 of 2017 (O&M)
Date of decision: May 02, 2017

National Insurance Co. Ltd. ... Appellant

Versus

Sukhjit Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Taunque, Advocate for the appellant.

Rajan Gupta, J.

CM-9172-CII-2017:

This is an application for condonation of 34 days delay in filing the appeal. For the reasons mentioned in the application, same is allowed. Delay in filing the appeal is condoned.

FAO-2730-2017:

Appellant National Insurance Company Limited has impugned the award dated 7.12.2016, passed by Motor Accident Claims Tribunal, Ferozepur, whereby compensation has been awarded to the claimant on account of injuries suffered by him in the accident.

Learned counsel for the appellant has argued that accident occurred on account of rash and negligent driving of the car and a false case was got registered against the driver of the bus. Further the tribunal has granted compensation to the claimant on a higher side.

I have heard learned counsel for the appellant and given careful thought to the facts of the case.

Accident occurred on 3.12.2014, wherein Sukhjit Singh claimant/respondent No.1 suffered injuries. FIR No.188 dated 5.12.2014 was registered in Police Station Kulgarhi, under sections 279, 337, 427 IPC against driver of the bus in question. The tribunal observed that accident was caused due to rash and negligent driving of respondent No.2, driver of the offending vehicle i.e. Bus No.PB-02-AP-9923. The tribunal granted Rs.31,000/- for medical expenses, Rs.20,000/- for special diet, transportation, pain and suffering, attendant charges, mental agony etc. and Rs.50,000/- on account of loss of income i.e. a total amount of Rs.1,01,000/- along with interest @ 7.5% per annum from the date of filing of petition till realization.

There appears to be no apparent error in appraisal of evidence by the tribunal. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 02, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No