

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

**FAO No.4867 of 2017 (O&M)
Date of Decision: 13.10.2017**

Iqbal Singh and others

... Appellants

Versus

Sukhpreet Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Chandan Singh Rana, Advocate,
for the Appellants.

ANIL KSHETARPAL, J. (ORAL).

The owner and driver are in appeal against the award passed by the Motor Accident Claims Tribunal (for short 'the Tribunal').

The respondent/claimant had suffered injuries in a motor vehicle accident, which took place with the vehicle being driven by Iqbal Singh/appellant No.1 on 23.09. 2015. It is not in dispute that FIR No.106 was registered against appellant No.1. The injured was first taken to G.G.S. Medical College and Hospital, Faridkot and thereafter shifted to Amandeep Hospital. The injured remained hospitalised from 23.09.2015 to 06.10.2015.

The claimant/injured had appeared in the witness box as PW1 and tendered into evidence a copy of the FIR Ex.P-1, medical bills Exs.P-2 to P-107, final bill Ex.P-108 and some other documents.

The Tribunal after appreciating the evidence available on the file, recorded a finding that the accident took place due to rash and

negligent driving of respondent No.1.

The Tribunal after taking into consideration the details of the expenses incurred by the claimant and also noticing that the claimant had to undergo surgery of his right leg to insert a rod, awarded compensation of Rs.4,60,000/- in total. The total of the medical bills itself comes to Rs.3,79,529/-.

Learned counsel for the appellants has vehemently argued that the claimant did not produce on file any certificate showing permanent disability. He has further submitted that the claimant has not examined any independent witness to prove rash and negligent driving on the part of the appellant. He has further submitted that no certificate of disability has been proved on the file.

I have considered the submissions of the learned counsel for the appellants.

In the present case, the FIR was registered against the appellant. Still further, learned counsel for the appellants has produced before me the layout plan prepared by the police officials showing the place of the accident. A bare look at the aforesaid layout plan would show that the motorcycle which the injured was driving, was found lying on its left side. Still further, the injured has appeared in the witness box and stated that the appellant was driving rashly and negligently. The claimant was cross-examined but he stood his ground. Therefore, no error can be found in the finding of the Tribunal that it was appellant No.1 who was rash and negligent.

In the present case, as noticed earlier, the injured was first admitted in the G.G.S. Medical College and Hospital, however, thereafter he was shifted to Amandeep Hospital. The claimant remained admitted in the hospital for approximately 15 days. He proved on record the medical bills and receipts for a sum of Rs. 3,79,529/-. The claimant has not been awarded any amount on account of permanent disability because it was not the case of the claimant that he had suffered any permanent disability.

The details of the amount awarded by the Tribunal are extracted as under: –

“(i)	Medical Bills/receipts	Rs.3,79,529.00
(ii)	Mental pain and suffering suffered by the claimant due to injuries.	Rs.10,000.00
(iii)	Special diet and attendant charges and transportation charges.	Rs.10,000.00
(iv)	Expenses incurred during the period of hospitalisation including operation charges.	Rs.20,000.00
(v)	Loss of income during the period of hospitalisation and some time thereafter.	Rs.40,000.00
Total		Rs.4,59,529/-

In my considered opinion, the amount awarded, except reimbursement of the medical bills, comes to Rs.80,000/- only. An injured who has suffered fracture and a rod was inserted, has been awarded correct amount.

The last submission of the learned counsel for the appellants is that no doctor has been examined.

I have considered the submission. The injured has appeared in

the witness box. He has also proved the medical bills which are duly exhibited on the file.

Taking into consideration the evidence available on the file and the finding recorded by the Tribunal, I do not find any good ground to interfere with the award passed by the Tribunal.

The appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

13.10.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No