

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.5869 of 2017 (O&M)
Date of Order: 11.09.2017

HDFC ERGO General Insurance Co. Ltd.

..Appellant

Versus

Mahipal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashwani Talwar, Advocate,
for the appellant.

ANIL KSHETARPAL, J (Oral)

The Insurance Company is in appeal against the award to the extent of Rs.32,703/- passed by the Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as 'the Tribunal').

The learned Tribunal has awarded the following amount to the claimants under various heads:-

- | | |
|--|--------------|
| 1. Hospitalization and medicines | : Rs.16703/- |
| 2. Period of hospitalisation (14 days)
(09.11.2012 to 22.11.2012) | : Rs.7000/- |
| 3. Loss of income | : Rs.4000/- |
| 4. Special diet | : Rs.2000/- |
| 5. Transportation | : Rs.2000/- |
| 6. Pain and Suffering | : Rs.5000/- |

Learned counsel for the appellant has challenged the award passed by the learned Tribunal on the ground that the claimants had consumed liquor and entered into the scuffle with respondents no.2 and 3 and, therefore, the accident occurred due to rash and negligent driving of the

claimant himself.

Learned Tribunal has appreciated the evidence available on the file.

Respondent no.1-Vijay Pal, Driver, is stated to have consumed liquor. In other words, Vijay Pal was driving the vehicle under the effect of liquor, therefore, he was more rash and negligent in driving the tractor.

In view of the discussion made hereinabove and taking into consideration the amount awarded, this Court is of the view that no interference is needed in the award passed by the Motor Accident Claims Tribunal, Bhiwani. The appeal is dismissed.

September 11, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No