IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

FAO No.779 of 2017 (O&M)
Date of decision: February 06, 2017

Reliance General Insurance Co. Ltd. ... Appellant

Versus

Mahesh Kumar and others ...Respondents

CORAM: **HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Sanjeev Kodan, Advocate for the appellant.

Rajan Gupta, J.

Appellant Reliance General Insurance Company Limited has impugned the award dated 01.11.2016, passed by Motor Accident Claims Tribunal, Sangrur, 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 driver of the offending vehicle was not holding a valid and effective driving licence at the time of accident. Moreover, the tribunal has wrongly assessed disability of the claimant.

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

Accident occurred on 14.01.2015, wherein claimant/ respondent No.1 received multiple grievous injuries. FIR No.08 dated 15.01.2015 was registered under sections 279/337/427 IPC at Police Station Sadar Dhuri. In support of his case claimant himself appeared as

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CW-1 and also examined Ravinder Kumar and Pardeep Singh as CW-2 and CW-3 respectively. He also tendered in evidence disability certificate Ex.C-3 and medical bills Ex.C-4 to Ex.C-9. On appraisal of evidence, the tribunal came to the conclusion that accident occurred due to rash and negligent driving of offending vehicle by respondent No.2. As regards quantum of compensation, the claimant suffered 45% permanent disability and the tribunal has awarded a total compensation of Rs.3,10,827/- under various heads as detailed below:-

Medical expenditure of the hospital	₹ 20,000/-
Medical bills	₹ 8327/-
45% permanent disability	₹ 1,50,000/-
Pain and suffering	₹ 50,000/-
Loss of income during treatment	₹ 12,500/-
Adverse affect on future prospectus	₹ 50,000/-
Special diet	₹ 10,000/-
Transportation	₹ 10,000/-
Total	₹ 3,10,827/-

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 insurance company did not adduce any evidence to prove that driving licence of the driver was not valid. The appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

February 06, 2017
'Rajpal'

Whether speaking / reasoned Yes / No

Whether Reportable: Yes / No

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