

204.

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

FAO-64-1993

Date of decision:24.01.2018

AJMER SINGH

... Appellant

Versus

HARDEV SINGH AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Yogesh Goel, Advocate, and Mr. Deepak Goel, Advocate,
for the appellant.

Mr. R.N. Singal, Advocate, for respondent No.3.

HARI PAL VERMA, J.(Oral)

The claimant has filed the present appeal seeking modification/
enhancement of compensation awarded by the Motor Accident Claims
Tribunal, Ludhiana (for short, 'the Tribunal').

Briefly stated, the claimant filed a claim petition under Section
166 of the Motor Vehicles Act, 1988, with the averments that on the
evening of 28.10.1990, one Ajaib Singh was returning from Village
Sarawan, District Faridkot in his jeep bearing registration No.PNQ-921. In
the said jeep, Ajmer Singh (the claimant), Makhan Singh, Gurmail Singh
and Chuhar Singh were also travelling. They were returning after having
purchased a tractor No.PBL-5710 from Village Sarawan, District Faridkot.
The tractor was being driven by Sher Singh, who was following the jeep.
When they reached the link road from the highway for Gurdwara Nanaksar,
the offending truck bearing registration No.P8-04-2167 came from the
opposite side, being driven rashly and negligently by Hardev Singh
respondent No.1, and dashed it into the jeep. As a result of the impact, all
the occupants of the jeep received injuries. They were taken to a hospital at

Ludhiana. But on the way, Ajaib Singh and Makhan Singh succumbed to their injuries. On the statement of Sher Singh (tractor driver), an FIR was registered.

After appreciating the evidence on record, the Tribunal, vide award dated 01.10.1992, granted a compensation of ₹1,500/- to the claimant.

Dissatisfied with the aforesaid amount of compensation, the claimant-appellant has filed the present appeal for enhancement.

Learned counsel for the appellant has argued that on account of injuries suffered by the appellant in a motor vehicular accident which took place on 28.10.1990, the Tribunal has awarded a meager compensation of ₹1,500/-. In the said accident, the claimant suffered following injuries:-

- “i) At. W. 4 cm x 0.5 cm x bone deep just below lower lip underlying mandible bone is fractured. Profuse bleeding present from the wound.
- ii). Multiple abrasion on both legs below knee.”

For the aforesaid injuries, the matter was reported to the police and an FIR No.248 dated 28.12.1990 under Section 304A IPC was registered at Police Station Jagraon. In the said accident, two persons have died whereas the appellant-claimant was injured. The claimant remained admitted in the hospital from 28.12.1990 to 11.01.1991. The claim has been declined only on the ground that he has not produced the medical officer in support of the injuries so suffered by him in the accident. However, he has stated that in view of the copy of MLR (Ex.A-3), it is clearly established that the claimant was medically examined on 28.12.1990 and the aforesaid injuries were duly referred in the MLR. He has further argued that taking into consideration the nature of injuries, a higher amount of compensation should be granted to

the appellant.

On asking of the Court, Mr. R.N. Singal, Advocate, has put in appearance on behalf of respondent No.3-Insurance Company. He has argued that since the appellant-claimant has failed to prove his injuries, no amount is required to be enhanced and Tribunal has already granted compensation considering the injury to the appellant.

I have heard learned counsel for the parties.

There is no dispute that the accident had taken place in which two persons have died and the claimant was also one of the injured. He was admitted to Civil Hospital, Jagraon which of course is a government hospital. Therefore, it is quite possible that it was because of the injuries sustained in the accident that he was admitted in the government hospital.

Considering the nature of injuries so suffered by the claimant, though they have not been proved by a Medical Officer, this Court finds that merely because a Medical Officer has not been examined, the claimant should not be deprived from such compensation when MLR (Ex.A3) does not refer injuries. Accordingly, the compensation awarded by the Tribunal is modified and another amount of ₹15,000/- is ordered to be paid to the appellant-claimant. It is made clear that this enhancement is made only on the ground that he has stated that he remained admitted in the hospital for about 14/15 days. Since the appellant-claimant has failed to examine the doctor, he will not be granted interest on the enhanced amount.

With the aforesaid modification, present appeal is disposed of.

(HARI PAL VERMA)
JUDGE

24.01.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.