

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.828 of 1992
Date of Decision: 22.03.2018

Ran Singh

.....Appellant

Vs.

Dharam Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:-

Mr.Ramesh Hooda, Advocate, for the appellant.

Mr.Vijay Kumar Garg, Advocate, for respondent No.3.

Mr.Pradeep Chhoker, Advocate, for
Mr.P.R.Yadav, Advocate, for
respondents No.4(a) and (b).

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 20.07.1991, passed by the learned Motor Accident Claims Tribunal, Rohtak (for short, 'the Tribunal') vide which compensation to the tune of Rs.10,000/- was awarded to the claimant on account of injury suffered by him in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 12.07.1989, Darshana daughter of Ran Singh and Om Parkash son of Mam Chand Ram Niwas, Rakesh, Ran Singh and Virender, was driving Maruti Van No.DID 3372 had come in a Barat from Jharsa to village Gandhra. While they were returning back from village Gandhra to Jharsa, in the late evening at about 11-00 P.M. and when they reached near Parely G Glucose Factory Rohtak-Delhi road a truck No.DEG-8061 being driven by Dharam Singh respondent No.1 came rashly and negligently caused the

gave the signal to Dharam Singh driver of truck No.DEG-8061 to stop as another truck was coming from the opposite direction, but despite that Dharam Singh did not stop and due to his rash and negligent driving hit the Maruti Van and caused the accident. In this accident, Om Parkash, who had made an agreement with Rajinder Seth for purchasing the said van had died at the spot. The other injured were taken to the hospital. Ran Singh had received multiple injuries including fracture, remained in the hospital for many days.

Dr.R.Bugalia AW6 examined in this case stated that on 12.07.1989, he radiologically examined Ran Singh and found fracture left ulna and fracture right maxilla. He also proved MLR Ex.AW6/A and X-ray report Ex.AW6/B. It was thus evident that Ran Singh suffered injuries, got fractures, remained out of work for some days and suffered mentally and physically. There must also be financial loss to him for not following the daily routine job by way of livelihood,. Taking all the facts and circumstances of the case learned Tribunal has granted Rs.10,000/- in all.

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced. On the other hand, the learned counsel for the respondent/Insurance Company have vehemently opposed the present appeal.

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. So, keeping in view the nature of injuries, the

appellant/claimant towards special diet, attendant and pain and suffering.

Resultantly, the enhanced amount of compensation of Rs.10,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Shri Nagar Mal and Ors Vs. The Oriental Insurance Company Ltd. And ors. in Civil Appeal No.448 of 2018**. Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)
JUDGE

22.03.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No