

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

**F.A.O No. 555 of 2000
Date of decision:- 20.02.2018**

Gurbachan Singh ...Appellant

Versus

Shambu Din ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- None for the appellant

Mr. Manoj Kumar Sangwan, AAG, Haryana
for respondent Nos. 2 and 3.

RITU BAHRI J. (Oral)

The copy of award dated 04.10.1999 has been supplied by learned State counsel in the Court today and the same is taken on record.

The present appeal has been preferred by the claimant-appellant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Ambala (for short, 'the Tribunal') to the tune of Rs.47,000/- vide impugned award dated 04.10.1999 in a claim petition filed by the present appellant on account of the injuries suffered by him in a road accident, which took place on 03.09.1996 wherein one bus bearing registration No. HR-38-6550 being driven by respondent No. 1 came from the opposite side struck against the bus of the appellant and due to this accident, the appellant and the passengers of the bus suffered injuries. However, the appellant suffered grievous and multiple injuries. F.I.R was registered against the driver of the jeep.

The learned Tribunal awarded Rs.47,000/- compensation to the appellant as he remained in hospital up to 20.09.1996. He was operated upon for the injuries received by him on nose, leg and head. As per Dr. R.C.

Jindal, the appellant suffered disability to the extent of 5 per cent. As per P.W.3, on account of leave of salary, the appellant suffered loss of Rs.19,456/- and thus, the Tribunal awarded Rs.19456/- on account of loss of income.

As per essentiality certificate, the appellant was awarded Rs.20859/- and Rs.13500/- were awarded on account of special diet. The appellant was awarded Rs.10,000/- on account of disability suffered by him, as the disability was not of permanent in nature. He was awarded Rs.30,000/- on account of pain and suffering. The total compensation comes to Rs.93,815/- but the appellant was awarded half of the awarded amount i.e Rs.47000/-, as the Tribunal has held that it was case of contributory negligence.

A bare perusal of the impugned award shows that it was a clear cut of contributory negligence of both the drivers, as there was sufficient width of the road at the time of accident. Further both the drivers lost the control due to which the accident occurred. The compensation of Rs.47,000/- has rightly been awarded by the Tribunal, as per the evidence available with the Tribunal.

In view of the above factual position, the compensation of Rs.47,000/- has rightly been awarded by the Tribunal.

Thus, the impugned award dated 04.10.1999 passed by the Tribunal does not require any interference.

The appeal is dismissed.

20.02.2018

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No