

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

Sr. No.203

(1)

FAO No.920 of 2000 (O&M)

Keshav and others

....Appellants

versus

Ranbir Singh and others

....Respondents

(2)

FAO No.384 of 2000 (O&M)

Tara Chand

....Appellant

versus

Ranbir Singh and others

....Respondents

Date of decision: 17.07.2018

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Shubham Kaushik, Advocate for
Mr. Vinod S. Bhardwaj, Advocate
for the appellant(s).

Mr. Deepender Ahlawat, Advocate
for respondent No.1 (i),(ii) & (iii).

Mr. Vinod Chaudhri, Advocate
for respondent No.3.

Mr. Rajbir Singh, AAG, Haryana,
for respondents No.4 and 5.

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DEEPAK SIBAL, J. (Oral)

This order shall dispose of two appeals being **FAO No.920 of 2000** – '**Keshav and others vs. Ranbir Singh and others**' and **FAO No.384 of 2000** – '**Tara Chand vs. Ranbir Singh and others**', as both of these appeals arise from the same accident.

Through the present appeals, the appellants/claimants seek

enhancement in the compensation awarded by the Motor Accident Claims Tribunal, Bhiwani (for short – 'the Tribunal').

The facts in brief are that on 30.07.1996, Smt. Raj Bala (since deceased) was travelling from Rohtak to Jind with her husband Tara Chand in a Haryana Roadways Bus bearing registration No. HR-08/8093. On the way, the Bus met with an accident with Truck bearing registration No. HR-47/1619. As a result of the accident, Smt. Raj Bala sustained grievous injuries to which she succumbed later. Her husband Tara Chand also received serious injuries.

Separate claim petitions were filed before the Tribunal seeking compensation on account of death of Smt. Raj Bala and for received of injuries by Tara Chand respectively.

So far as the claim petition pertaining to the death of Smt. Raj Bala was concerned, the Tribunal after sifting the evidence which had come on record awarded compensation of ₹ 1,73,000/-. Tara Chand's petition was disposed of after holding him entitled to a compensation of ₹ 20,000/-.

FAO No.920 of 2000

While arguing the appeal filed against the compensation granted by the Tribunal on account of Smt. Raj Bala's death, learned counsel for the appellants submitted that the Tribunal erred in not granting any funeral expenses as also compensation under the head of 'consortium'.

Learned counsel for the respondents very fairly submits that the claimants should have been granted compensation under the heads claimed in the appeal. However, he submitted that it may be noted that the accident took place in the year 1996 i.e. over 22 years ago.

After considering the above submissions, the appellants are held to be entitled to funeral expenses @ ₹ 5,000/- as also consortium @ ₹ 10,000/-. On these amounts, interest @ 7.5% per annum is also granted from the date of filing of the petition by them before the Tribunal till the date of its realization.

FAO No.384 of 2000

So far as the appeal filed by Tara Chand is concerned, medical bills showing expenditure of ₹ 400/- were proved. After considering the afore-referred medical expenses and pain and suffering suffered by Tara Chand a lump sum amount of ₹ 20,000/- was awarded by the Tribunal which was for medical expenses, pain and suffering, attendant charges, diet etc. The same is considered to be adequate. However, it is found that no compensation has been awarded to Tara Chand on account of proved permanent disability of 5% suffered by him. As no functional disability on account of disability suffered by Tara Chand has been proven, I consider it just and appropriate to grant him a lump sum amount of ₹ 15,000/- for the same. On this amount, Tara Chand is also entitled to interest @ 7.5% per annum from the date of filing of the petition by him before the Tribunal till the date of its realization.

Both the appeals are disposed of in the above terms.

**(DEEPAK SIBAL)
JUDGE**

July 17, 2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No