

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

FAO No. 2933 of 2011 (O&M)

Date of Decision:- 19.01.2018

New India Assurance Co. Ltd.

....Appellant

Versus

Rekha Rani & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Paul S. Saini, Advocate, for the appellant.

Mr. Rajan Bhargav, Advocate, for
Mr. Vishal Aggarwal, Advocate, for respondent No.1.

None for respondent Nos. 2 and 3.

AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against award dated 02.12.2010 passed by Motor Accident Claims Tribunal, Gurdaspur (for short, 'the Tribunal').

In a motor vehicular accident that occurred on 13.04.2005, Rekha Rani, aged 30, received injuries. She was pillion rider on a scooter bearing registration No. PB-18G-9463. The said scooter was hit by rashly and negligently driven canter bearing registration No. PB-12A-5951. She was initially admitted to Civil Hospital Gurdaspur and then shifted to Manpreet Hospital Amritsar.

A claim petition under Section 166 of Motor Vehicles Act, 1988 (for short, 'the Act') was filed. The Tribunal awarded a lump sum amount of Rs.2 lacs along with interest @9% per annum.

Insurance company has filed the present appeal being aggrieved of quantum of compensation awarded.

I have heard learned counsel for the parties; perused the paper-book and record.

Learned counsel for the insurance company argued that there were only medical expenses of Rs.30,400/-, proved by Exhibits A-2 to A-10. He contended that there was neither permanent disability nor temporary disability. Even the nature of injuries was not detailed in the claim petition. No doctor was examined to support the claim of injuries as raised in the claim petition. His grievance is that without any basis, lump sum amount of Rs.2 lacs awarded by the Tribunal, is not justified.

Learned counsel for the claimant though resisted the contentions raised but could not raise any serious dispute on the fact that there was no evidence on the record to substantiate the nature of injuries and the period of hospitalisation.

Be that as it may there is no dispute on the fact that there was an accident and the claimant had suffered injuries. Her hospitalisation is also not disputed.

In view the fact that medical expenses of Rs.30,400/- only was incurred,the amount awarded of Rs.2 lacs is reduced to Rs.90,000/-.

The amount deposited in compliance with the directions of orders would be disbursed to the parties according to the orders. The interest earned on the deposit would also be properly disbursed.

The appeal is disposed of, accordingly.

January 19, 2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/NO