

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

**FAO No.4532 of 2015 (O&M)
Date of decision: 02.04.2018**

Rajesh

....Appellant

Versus

Satish Kumar and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Punia, Advocate,
for the appellant.

Mr. Rajneesh Malhotra, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as 'the Tribunal') vide award dated 04.02.2015, on account of injuries received by him in a motor vehicular accident which took place on 23.12.2013.

Brief facts of the case are that on 23.12.2013, claimant-appellant (Rajesh) was crossing the G.T. Road, in the meantime, a truck bearing registration No. HR-69-A-7219, being driven by respondent No.1-Satish Kumar in a rash and negligent manner, came and struck against him, as a result of which, claimant received grievous injuries on various part of his body. Driver of the offending vehicle fled away from the spot along with his vehicle. Claimant-appellant was taken to D.N. Sharma Hospital, Sonapat, from where he was referred to Jaipur Golden Hospital. With regard

to the accident, FIR No.374 dated 24.12.2013, under Sections 279/337 IPC was registered at Police Station, Murthal against respondent No.1 on the statement of one Manoj son of Jeevan Dass. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle by its driver-respondent No.1 and thus, returned finding on issue no.1 in favour of the claimant. This finding was rightly given on the basis of deposition of claimant-appellant (PW-1) and Manoj Kumar (PW-2), who was eye witness of the accident and one whose statement, FIR Ex.P1 was registered. Claimant has also proved on record MLC Ex.P65 and discharge summary FIR Ex.P68. The compensation was awarded as under:-

Sr. No.	Heads	Amount
1.	Cost of treatment	Rs.6,38,000/-
2.	Pain and sufferings	Rs.40,000/-
3	Special diet, attendant and transportation	Rs.25,000/-
4	Loss of income	Rs.20,000/-
	Total	Rs.7,23,000/-

Ultimately, the claimant was found entitled to a total compensation of Rs.7,23,000/- along with interest at the rate of 7.5% from the date of filing of the claim petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved. Parties are not in dispute with regard to finding given by the Tribunal on issue No.1 to the

effect that the accident had taken place on account of rash and negligent driving of the offending vehicle by its driver. A perusal of the impugned award shows that claimant-appellant has not suffered any kind of permanent disability due to the injuries suffered by him in the accident in question. After the accident, he remained admitted in Jaipur Golden Hospital, Delhi w.e.f. 23.12.2013 to 14.12.2014 and thereafter, in D.N. Sharma, Hospital, Sonapat w.e.f. 15.01.2014 to 30.01.2014.

After going through the impugned award, this Court is of the view that the Tribunal has awarded adequate compensation in favour of the claimant under all the heads. The evidence has been appreciated in the right perspective. No ground is made out to enhance the compensation and to interfere in the impugned award.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

02.04.2018
ajp

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No