

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

F.A.O No. 7782 of 2014

Date of decision:- 04.04.2018

Shri Ram General Insurance Co. Ltd.

...Appellant

Versus

Mukesh Sharma and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sanjeev Goyal, Advocate
for the appellant

Mr. Ashwani Arora, Advocate
for respondent No. 1

RITU BAHRI J. (Oral)

The present appeal has been preferred by the Insurance Company-appellant, seeking modification of the award passed by the Motor Accidents Claim Tribunal, Chandigarh (for short, 'the Tribunal') to the tune of Rs.97156/-, vide impugned award dated 17.05.2014 in a claim petition filed under Section 166 of the Motor Vehicles Act (for short 'the Act').

On 11.04.2012, deceased Smt. Pushpa Lata was going on the road leading from Attawa Chownk towards the chownk of Sector 36/37/41/42, Chandigarh sitting in rickshaw, which was being paddled by a rickshaw puller at a slow speed. When the rickshaw reached near Bus Stop Sector 42, Chandigarh, three wheeler bearing registration No. PB-65-P-4077 came from behind and hit the rickshaw after which it hit an active being driven by Mukesh Sharma. As a result of this accident, Mukesh Sharma and Smt. Pushp Lata fell down on the road and received serious injuries. They were taken to Sector 16 Hospital, Chandigarh from where Smt. Pushpa Lata was referred to PGI, Chandigarh where she died due to the injuries sustained in the accident and respondent No. 1 sustained

injuries.

Learned counsel for the appellant is challenging the impugned award on the ground that the compensation of Rs.97156/- given to the injured-Mukesh is on the higher side and respondent No. 1 has failed to prove on record that the accident had taken place due to sole negligent driving of three-wheeler.

This argument is liable to be rejected as the compensation of Rs.97156/- awarded to the claimant is not on the higher side, as Rs.41,156/- were awarded on account of medical expenses, Rs.4000/- towards special diet, Rs.2000 towards transportation charges, Rs.24000/- towards loss of income for three months, Rs.6000/- towards disability and Rs.20,000/- on account of mental pain and agony.

Respondent No. 1-eye witness in his affidavit Ex PW2/A has clearly deposed that when he reached near Bus Stop, Sector 42 on his activa, Chandigarh, a three wheeler bearing No. PB-65-P-4077 came at a fast speed from behind and hit a rickshaw after which it hit his activa scooter. The three wheeler was being driven in a rash and negligent manner. Further Jasbir Sharma-driver neither opted to file written statement nor stepped into the witness box to rebut the statement of Mukesh Sharma.

In view of the above factual position, the award dated 17.05.2014 does not require any interference by this Court

The appeal stands dismissed.

04.04.2018

G Arora

*Whether speaking/reasoned
Whether reportable*

*Yes
No*

(RITU BAHRI)
JUDGE