

FAO No.8674 of 2014 and connected matter

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

**FAO No.8674 of 2014
Date of Decision: 21.02.2018**

Oriental Insurance Company Ltd.

.....Appellant

Vs.

Mohd. Shamshad and Ors.

.....Respondents

FAO No.4344 of 2015

Jagroop Singh

.....Appellant

Vs.

Mohd. Shamshad and Ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Lalit Garg, Advocate, for the appellant/Insurance Co.
in FAO No.8674 of 2014 and for respondent No.3 in
FAO No.4344 of 2014.

Mr.D.K.Jangra, Advocate, for respondents No.1 and 2 in
FAO No.8674 of 2014 in FAO No.4344 of 2015.

Mr.R.M.Sharma, Advocate, for
respondent No.3 in FAO No.8674 of 2014 and for
appellant in FAO No.4344 of 2015.

RITU BAHRI, J. (ORAL)

FAO No.8674 of 2014

The insurance company has come up in appeal against the
Award dated 04.07.2014 in a very short ground that at the time of accident,
driving licence of the driver i.e. Ex.R-2 was found invalid.

Learned counsel for the appellant/Insurance Company submits
that the driving licence (Ex.R-2) of the driver was found for driving light
motor vehicle and wherein the endorsement of commercial vehicle has not
been found.

Learned counsel for the claimants has referred to the judgment of Supreme Court in the case of **Mukund Dewangan vs. Oriental Insurance Company Limited 2017 SCC online SC 788** wherein it has been held that the effect of amendment of Form 4 by insertion of “transport vehicle” is related only to the categories which were substituted in the 1994 and the procedure to obtain driving licence for transport vehicle of class of “light motor vehicle” continues to be the same as it was and has not been changed and there is no requirement to obtain separate endorsement to drive transport vehicle, and if a driver is holding licence to drive light motor vehicle, he can drive transport vehicle of such class without any endorsement to that effect.

So in view of the above, the orders of the learned Tribunal does not reflect any material irregularity or perversity qua the finding with regard to validity of driving licence which warrant interference. Hence the present appeal stands dismissed.

FAO No.4344 of 2015

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 04.07.2014, passed by the learned Motor Accident Claims Tribunal, Bathinda (for short, 'the Tribunal') vide which compensation to the tune of Rs.72,700/- was awarded to the claimants on account of injuries suffered by him.

FACTS NOT IN DISPUTE

On 02.06.2009, claimant/injures Jagroop Singh was coming from Rampura side towards Bathinda on his motorcycle Hero Honda read in colour bearing registration No.PB-40-5209, from Bathinda side one white Mohindra Pick Jeep bearing registration No.PB-65-F-9746 came in a rash

this, the motorcycle hit the back side of jeep and in this way, claimant received multiple injuries on his person. The said accident was witnessed by Naib Singh and Mahesh Bahadur Bailiff of the Court of Civil Judge (Senior Division), Bathinda. They telephonically informed the Bathinda Club and youth Welfare Club. Ambulance came at the spot and took the claimant to Adesh Hospital, Bathinda. An FIR No.22 dated 03.06.2009 for the offence under Sections 279, 337, 338, 427 IPC has been registered on the basis of statement of Naib Singh,

COMPENSATION ASSESSED BY MACT

The Tribunal held that the claimant was 45 years old and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The compensation has been assessed as under:-

Sr.No.	Heads of compensation	Amount
1	Medical bills	Rs.37,641/-
2.	Special diet	Rs.15,000/-
3.	Loss of earning	10,000/-
4.	Pain and suffering	10,000
	Total	Rs.72,641/-
	Rounded off	Rs.72,700/-

Learned counsel for the claimant-appellant contends that the compensation qua pain and suffering awarded by the Tribunal is on the lower side and deserves to be enhanced. On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

RE-ASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the record.

Keeping in view the prayer made by the claimants, the

compensation is reassessed as under:

Sr.No.	Heads of compensation	Amount
1	Medical bills	Rs.37,641/-
2.	Special diet	Rs.15,000/-
3.	Loss of earning	10,000/-
4.	Pain and suffering	10,000
5.	Transportation and attendant	15,000/-
	Total	Rs.87,641/-
	Rounded off	Rs.87,700/-
	Enhanced amount of compensation	Rs.87,700/- =Rs.15,000/-
		-----Rs.72,700/-

Resultantly, the enhanced amount of compensation of Rs.15,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Shri Nagar Mal and Ors Vs. The Oriental Insurance Company Ltd. And ors. in Civil Appeal No.448 of 2018**. Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)
JUDGE

21.02.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No