

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

**FAO No.7035 of 2016 (O&M)
Date of decision: 20.03.2018**

Rajbir Kaur

....Appellant

Versus

Lakhwinder Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. H.C. Batth, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

CM No.24242-CII of 2016

In view of the averments mentioned in the application, same is allowed and delay of 244 days in filing of the appeal is condoned.

FAO No.7035 of 2016

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Tarn Taran (hereinafter referred to as 'the Tribunal') vide award dated 01.09.2015, on account of injuries received by her in a motor vehicular accident which took place on 30.01.2014.

Brief facts of the case are that on 30.01.2014, claimant-appellant (Rajbir Kaur), her father Ajit Singh, mother Balwinder Kaur, sister Balbir Kaur, Sarwan Singh and his wife Neetu had gone to Baba Jallan in order to pay obeisance on the day of *Amawas*. They were travelling in a qualis car bearing registration No. HR-55-C-3962. The said vehicle was

Singh was coming back after paying obeisance at the said Gurdwara. Ajit Singh was going ahead in his qualis car, whereas Tarsem Singh was following them on a motorcycle. At about 8.00/8.15 A.M., when they reached near cremation ground at canal bridge, Dhodhe, a truck bearing registration No. RJ-13-GA-1397 being driven by Gurcharan Singh-respondent No.2 in a rash and negligent manner, came from the opposite side and struck against the qualis, as a result of which, Ajit Singh died at the spot, whereas claimant (Rajbir Kaur), Balwinder Kaur, Balbir Kaur and Sarwan Singh received injuries. Claimant-appellant was got admitted in Gupta Hospital, Jhabal, where she remained admitted for three days. With regard to the accident, FIR No.20 dated 30.01.2014, under Sections 279/304-A/337/338/427 IPC was registered against respondent No.2 on the statement of Jaswinder Singh. 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.2 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-2) and Jaswinder Singh (PW-1), who was eye witness of the accident and one whose statement, FIR Ex.P1 was registered. Claimant has also proved on record copy of FIR Ex.P1, report under Section 173 Cr.P.C. Ex.P2, charge sheet Ex.P3 etc.

While assessing the compensation, Tribunal has observed that after the accident, claimant remained admitted in Gupta Hospital, Jhabhal from 30.01.2014 to 01.02.2014. As per bills Ex.P5 to Ex.P20, she had

purchased medicines and incurred charges of the hospital to the tune of Rs.35,000/-. The compensation was awarded as under:-

Sr. No.	Heads	Amount
1.	Cost of treatment (as per Ex.P7 to Ex.P20)	Rs.35,000/-
2.	Mental agony, pain and sufferings	Rs.25,000/-
	Total	Rs.60,000/-

Ultimately, the claimant was found entitled to a total compensation of Rs.60,000/- along with interest at the rate of 6% 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 her in the accident in question. After the accident, she remained admitted in Gupta Hospital, Jhabhal w.e.f. 30.01.2014 to 01.02.2014. Accordingly, her stay in the hospital was only for two days. Moreover, she has been awarded Rs.35,000/- on account of treatment expenses, which is not on the lower side. Further, she has been rightly awarded a sum of Rs.25,000/- for special diet, pain and suffering etc.

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

20.03.2018
ajp

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