

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.811 of 2015

Date of Decision: 16.03.2018

Dharam Pal

....Appellant

V/S

Kamal Deep Singh and Anr

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Bijender Kaushik, Advocate,
for appellant.

Mr.Amandeep Rana, Advocate,
for respondent No.1.

Mr. Sandeep Suir, Advocate,
for respondent No.2-Insurance Company.

RITU BAHRI, J.(Oral)

CM NO.2151-CII of 2015

For the reasons mentioned in the application, same is allowed
and delay of 178 days in filing the present appeal is condoned.

Accordingly, present application stands disposed of.

Main Case:

This appeal has been filed by the claimant-appellant seeking
enhancement of compensation awarded by Motor Accident Claims Tribunal,
Ambala (hereinafter referred to as 'the Tribunal') vide award dated
17.04.2014, on account of injuries sustained by the claimant-Dharam Pal in
a motor vehicular accident which took place on 07.12.2012.

Brief facts of the dispute are that, on 07.12.2012 at about 3.00
pm., th claimant was passing through Phirni of village Baragarh was going
towards Mandir. In the meantime, a maruti car bearing registration No. CH
01-AF-8233, which was being driven by respondent No. 1, came in a rash

and negligent manner as well as at a very high speed and hit the claimant and dragged him up to long distance. People of locality gathered at the spot. After the accident, the respondent No.1 stopped for a while and then fled away with his car from the spot. Due to impact, claimant suffered grievous injuries on various parts of his body including fractures on his right leg/thigh. The complainant was taken to Civil Hospital, Naraingarh immediately from where he was referred to Sector 32 GMCH, Chandigarh. The treatment of the claimant is still going. He is advised bed rest for 5-6 months. On the statement of Satish Kumar Son of Shri Mahabir Prashad, an FIR No. 140 dated 08.12.2012 under sections 279/337 of the Indian Penal Code, 1860 was registered against respondent No.1.

Consequently, claimant-petitioner filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of oral as well as documentary evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of negligent driving of offending vehicle by respondent No.1 and Tribunal assessed the compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Medical Expenses relating to Bills Ex. P2 to Ex. P57.	Rs.51,000/-
(ii)	Loss of earnings during the period of treatment	Rs.20,000/-
(iii)	Expenses for transportation for repeated visit to Sector 32, GMCH, Chandigarh	Rs.40,000/-
(iv)	Expenses for special diet	Rs.10,000/-
(v)	Pain, suffering and trauma as a consequence of the grievous injuries (double fracture)	Rs.10,000/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(vi)	Loss of future earning capacity due to 15 % temporary disability	Rs.30,000/-
	Total Compensation	Rs.1,61,000/-

Feeling dissatisfied with the impugned award, appellant filed the present appeal on the ground that the Tribunal awarded the amount of compensation in favour of claimant is on lower side.

In the present appeal parties are not in dispute with the findings of issue no. 1 that accident took place due to the sole rash and negligent driving of respondent No. 1 while driving the offending vehicle.

Learned Counsel for the respondent stated that no doctor has been examined to prove the permanent disability of the claimant.

I have heard learned counsel for the parties and perused the case file.

A perusal of the award shows that, the finding was rightly given on the basis of FIR, and others documentary evidence led by the claimant. Keeping in view the facts and circumstances as well as disability certificate Mark B which shows that disability suffered by the claimant in temporary in nature, no further modification in the award be required.

Hence, after going through the findings of the impugned Award, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

16.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No