

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

**CM No.26712-CII of 2016 in/and
FAO No.7915 of 2016 (O&M)
Date of decision: 28.02.2018**

Jagjit

....Appellant

Versus

Amarbir Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Narender Kaajla, Advocate,
for the appellant.

Mr. R.C. Kapoor, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

CM No.26712-CII of 2016

For the reasons mentioned in the application, same is allowed
and delay of 170 days in filing of the appeal is condoned.

FAO No.7915 of 2016

This appeal has been filed by claimant-appellant seeking
enhancement of compensation awarded by Motor Accident Claims Tribunal,
Hisar (hereinafter referred to as 'the Tribunal') vide award dated 11.01.2016
on account of injuries received by him in a motor vehicular accident which
took place on 30.03.2014.

Brief facts of the case are that on 30.03.2014, Jagjit (appellant)
along with his wife Bimla, son Kamal and daughter-in-law Reena Devi was
coming from Hansi towards Hisar in a car bearing temporary No.HR-99-
YM-3262 (now registration No.HR-20-AB-6805). The said vehicle was

being driven by Kamal. When they reached near Vidya Devi Jindal School,

Hisar, a vehicle bearing registration No. DL-1-YC-8383 being driven by respondent No.1-Amarbir Singh in a rash and negligent manner, came from the opposite side and struck the side of vehicle into another car. Thereafter, while overtaking the said car, he struck the same into the car of claimant, as a result of which, their car turned turtle and all the occupants received serious and grievous injuries. Claimants and other injured were taken to Lifeline Hospital, Hisar, where they were medico legally examined. With regard to the accident, FIR No.315 dated 30.03.2014, under Sections 279/337/338/427 IPC was registered at Police Station, Sadar, Hisar, against respondent No.1 Consequently, the claimant-appellant filed claim petition before the Tribunal.

On the basis of evidence led by the parties, Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle by its driver i.e. respondent No.1 and thus, returned the finding on issue No.1 in favour of the claimant. This finding was rightly given on the basis of deposition of injured-claimant Jagjit (PW-2), Kamal (PW-1), Reena Devi (PW-3) and Bimla Devi (PW-4), who were eye witnesses of the accident. Further, the claimant has proved on record documents Ex.P1 to Ex.P156. Ultimately, the claim petitions were accepted by the Tribunal and compensation was awarded as under:-

Sr. No.	Heads	Amount
1.	For disability	Rs.20,000/-
2.	For medical expenses	Rs.1,62,500/-
3.	For pain and sufferings	Rs.30,000/-
4.	For special diet & transportation charges	Rs.10,000/-
5.	For loss of enjoyment of life	Rs.10,000/-
6.	For loss of salary due to earned leave w.e.f. 01.07.2014 to 31.07.2015	Rs.31,400/-

	Total	Rs.2,63,900/-
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Hence, the claimant was found entitled to a total compensation of Rs.2,63,900/- along with interest at the rate of 7.5% per annum from the date of filing of the 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. It stands established that the claimant has received injuries as a result of the accident. A perusal of the impugned award shows that the compensation has been assessed keeping in view the disability certificate Ex.PW8/A, as per which, claimant-appellant had suffered permanent disability to the extent of 10% in relation to his right lower leg. This certificate has been proved on record by Dr.Reena Jain (PW-8), who stated that with this disability, he can drive a vehicle. Before the accident, claimant-appellant was working as driver in Haryana Roadways. He is still working as such after the accident. Therefore, there is no loss of income on account of permanent disability.

After going through the impugned Award, this Court is of the view that the compensation has been rightly assessed by the Tribunal after appreciating evidence in the right perspective. No ground is made out to interfere therein.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

28.02.2018
ajp

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