

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.8049 of 2016 (O&M)

Date of Decision: 01.05.2018

Rakesh Kumar

.....Appellants

Vs.

Kapil Sharma and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.R.S.Bajwa, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

CM No.26866-CII of 2016

For the reasons mentioned in the application, delay of 29 days in filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 05.04.2016, passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') vide which compensation to the tune of Rs.59,712/- was awarded to the claimant on account of injuries sustained by him in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 16.02.2014, the claimant Rakesh Kumar alongwith claimant Sunny alias Dosang Patel was coming from the Club Market, Karnal for going towards Sector 6, Urban Estate, Karnal on a motor cycle No.HR-05-AH-0241, driven by claimant Sunny alias Dosang patel whereas the claimant Rakesh was pillion rider. When they reached the crossing of Sector 6,GT Road, a car make Maruti bearing registration No.Hr-99-Temp. 1519 being driven by respondent No.1 at a very high speed, rashly and negligently, came from the side of ITI Karnal and struck against the motor cycle of the claimants. Due to this impact of the accident, both the claimants sustained serious, multiple and grievous injuries. The claimant-Rakesh Kumar shifted

to Civil Hospital, Karnal where he was medico legally examined and thereafter he was shifted to Arvind Hospital, Karnal. An FIR (Ex.P22) has been registered with regard to this accident.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the injured claimant was 25 years old at the time of accident. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Hospital charges as per Ex.P2 to Ex.p5 and Ex.P6 to P9	Rs.20,000/- per month
2.	Medical bills Ex.P-11 to Ex.P20	Rs.9712/-
3.	Loss of income	Rs.5,000/-
4.	Pain and suffering and loss of amenities of life	Rs.20,000/-
5.	Special diet	Rs.5,000/-
	Total	Rs.Rs.59,712/-

A perusal of the above calculation shows that, appellant-Rakesh Kumar has been granted compensation just and reasonable by the learned-MACT Karnal in all counts, as such, there is no need to interference in the Award. The present appeal is therefore dismissed as such.

(RITU BAHRI)
JUDGE

01.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No