

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

FAO No.1210 of 2018(O&M)

Date of Decision: February 26, 2018

Paryag alias Golu and another	...Appellants
Versus	
Raman and another	...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Ajit Sihag, Advocate for
the appellants.

HARINDER SINGH SIDHU, J.

Challenge in this appeal is to the impugned Award dated 4.12.2017 of Motor Accident Claims Tribunal, Bhiwani (for short 'the Tribunal'), whereby, the petition filed by the respondent/claimant- injured Raman under Section 166 of the Motor Vehicles Act, 1988, seeking compensation for the injuries suffered by him in a vehicular accident, involving Honda Activa No.HR-16N-6716, has been allowed.

In brief, the facts are that on 3.11.2015, when Raman reached near M.C.Colony on his bicycle, he was hit by the offending Honda Activa. It was alleged that the accident occurred due to rash and negligent driving of the offending vehicle. FIR No.716 dated 3.11.2015 was registered under Sections 279/337 IPC at Police Station City Bhiwani against appellant Paryag alias Golu, who was driving the Honda Activa at the time of the accident.

On a claim petition for compensation, the Tribunal awarded the

following compensation to the claimant – injured:

Sr.No.	Nature	Amount
1.	Pain and sufferings	Rs.15,000/-
2.	Medical expenses	Rs.12,000/-
3.	Attendant charges & special diet	Rs.5,000/-
4.	Transportation	Rs.5,000/-
5.	Loss of income	Rs.10,000/-
	TOTAL	RS.47,000/-

Challenging the impugned award, learned counsel for the appellants – owner and driver of the offending Honda Activa has contended that involvement of the vehicle was not proved before the Tribunal, nor any doctor examined to establish the injuries to the claimant – respondent.

I have heard learned counsel for the appellants and perused the paper-book with his assistance.

An FIR No.716 dated 3.11.2015 was registered regarding the accident in Police Station City Bhiwani on the statement of the claimant Raman, who, while appearing before the Tribunal as PW1 deposed regarding the accident. He also described the injuries suffered by him. It was specifically stated that the offending vehicle was being driven in a rash and negligent manner at a fast speed, due to which the accident occurred. He also disclosed that after the accident, he was got admitted in General Hospital, Bhiwani by his uncle Pawan, who reached the accident site just after him. The injured-claimant witness was also cross-examined at length, but his version remained unshaken.

It is well-settled that requirement of proof in a MACT case is not as stringent as in a criminal case.

To prove the loss, the claimant placed on record his affidavit

Ex.PW1/A affirming that he received injuries in the accident and after the accident he was shifted to Government Hospital, Bhiwani, where he remained admitted from 3.11.2015 to 9.11.2015. It was also stated that after his discharge, he had been visiting the hospital for follow up treatment. The discharge card issued by the Hospital was also placed on record as Ex.PW2/A, which proved the admission of the claimant in the Hospital during the aforesaid period of one week.

It was in view of the above evidence and the fact that the claimant – respondent Raman was an able-bodied person of 18 years at the time of accident and due to the injuries, he had to remain hospitalized for a week and then to visit the hospital for follow up treatment, that the Tribunal assessed the compensation, as tabulated above.

In view of above, there is no ground to disturb the findings of the Tribunal, which are based upon proper appreciation of evidence.

Appeal is dismissed.

The statutory amount of Rs.23,500/- deposited at the time of filing of the appeal, as stated by learned counsel for the appellant, be remitted to the Tribunal for disbursement to the claimant and be adjusted against the compensation awarded.

February 26, 2018

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No