

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1385 of 2018 (O&M)

Date of Decision: 15.03.2018

Reliance General Insurance Company Ltd.

....Appellant

V/S

Onkar Singh and Others

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Sanjeev Kodan, Advocate,
for Insurance Company.

RITU BAHRI, J.(Oral)

The present appeal has been filed by the appellant against the Award dated 15.01.2018 whereby claimant (respondent in the present appeal) has been awarded compensation of Rs.12,74,553/- along with interest @7.5% p.a., by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal') on account of injuries suffered by the claimant-Onkar Singh in road accident which took place on 04.07.2014.

Brief facts of the dispute are that, on 04.07.2014 he was coming from his village Kakrala Kalan to Samrala. On the way he reached before Khullar Agriculture Service Central, Behlopur Road, Samrala. A Canter 1109 bearing registration No. PB10-AY-7392 came from behind which was being driven by respondent No. 1 at a very high speed, rashly and negligently and hit into the motorcycle bearing No. PB-10-DU-5903 of claimant throwing him on the road. In result, he suffered greivous injuries. His right thigh was fractured. His motorcycle was damaged. The occurence was witnessed by Bahadur Singh son of Nasib Singh of Village Kakrala Kalan who removed claimant to Civil Hospital, Samrala and then to CMC &

H at Ludhiana. Respondent No. 1, the offending driver, fled away in the abovesaid canter vehicle. In this regard, an FIR No. 158 dated 06.07.2014 under Sections 279/337/338 of IPC was got registered with PS Samrala by said Bahadur Singh.

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

COMPENSATION ASSESSED BY THE MACT

On the basis of oral as well as documntary 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)	Compensation awarded under the head of medical bills	Rs.11,94,553/-
(ii)	Compensation towards pain and suffering	Rs.50,000/-
(iii)	Compensation towards special diet	Rs.30,000/-
	Total compensation	Rs.12,74,553/-

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

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.

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.

15.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No