

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1532 of 2018 (O&M)

Date of Decision: March 21, 2018

IFFCO Tokio General Insurance Co. Ltd. ...Appellant

Versus

Vikash Kumar and others ...Respondents

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

Present: Mr.Ashwani Talwar, Advocate
for the appellant – Insurer.

HARINDER SINGH SIDHU, J.

The insurer has filed the present appeal challenging the award dated 8.12.2017 passed by the Motor Accident Claims Tribunal, Narnaul (for short 'the Tribunal'), whereby, compensation of Rs.65,670/- (*wrongly mentioned as 60,670/- and 70,670/- at different places in the impugned award*) has been awarded to the injured – respondent Vikash.

Brief facts as disclosed in the claim petition are that on 15.1.2016 a motorcycle was hit by a Swift Car No.HR-35J-5730 (hereinafter referred to as 'the offending vehicle') in the area of village Devipura. The motorcycle was being driven by Parmod Singh and Vikash was on the pillion seat. In the accident, Parmod Singh and Vikash suffered injuries. They were shifted to hospital, but Parmod Singh could not survive. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

On a claim petition having been filed by the injured – claimant,

the Tribunal awarded compensation as stated above.

Challenging the Award, Ld. Counsel for the appellant – Insurer has stated that the compensation awarded is excessive and not commensurate with the injuries suffered by the claimant – respondent.

Having heard Ld. Counsel for the appellant, I do not find any ground to interfere in the compensation awarded.

To prove his case, the claimant examined Giriraj Prasad, Record-keeper, SMS Hospital, Jaipur as PW3, who stated that the claimant was admitted in the hospital on 16.1.2016 and was discharged on 17.1.2017. This witness also proved before the Tribunal the treatment record, discharge ticket and original medical bills. Further, Dr.Rajeev Dular (PW4) deposed that on 15.1.2016 he examined both the injured and due to their serious condition, they were referred to SMS Hospital, Jaipur. He also proved the hospital card on record.

The claimant – injured was a young boy aged 21 years and pursuing his graduation. After the accident on 15.1.2016, he was taken to GH Singhana , from where, the doctor referred to him to SMS Hospital, Jaipur. He was discharged on 17.1.2016. The gravity of the injury can well be imagined from the fact that he was referred to a second specialized hospital for treatment. He has suffered disability to the extent of 3% with post traumatic pain right knee. The Tribunal awarded him compensation as under:

Sr.No.	Head under which amount awarded	Amount
1.	Compensation on account of expenses incurred on medical treatment	Rs.26,670.00

2.	Compensation on account of disability	Rs.9,000.00
4.	Compensation on account of pain and suffering	Rs.10,000.00
5.	Compensation on account of nutritious diet	Rs.10,000.00
6.	Expenses incurred on transportation	Rs.10,000.00
	Total	Rs.60,670.00

In the facts and circumstances, the compensation so awarded to the injured – claimant cannot, in any manner, be considered to be excessive.

No interference is called for.

Appeal dismissed.

It is made clear that this order has been passed on an appeal filed by the Insurance Company without hearing the claimant and is confined to the contentions raised herein. It is without prejudice to the rights of the claimant to separately agitate for enhancement on any ground that may be available to him.

March 21, 2018

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No