

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

FAO No. 866 of 2017

DECIDED ON: NOVEMBER 19, 2018

AMANDEEP SINGH

.....APPELLANT

VERSUS

JASBIR SINGH & ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. S.S. Slar, Advocate for
Ms. Sumanpreet Aulakh, Advocate
for the appellant.

AVNEESH JHINGAN, J (ORAL)

The present appeal has been filed by the appellant against the award dated 04.07.2015 passed by Motor Accident Claims Tribunal, Patiala (for brevity 'the Tribunal'), seeking enhancement of compensation.

2. The owner-cum-driver of the car bearing registration No. PB-11-AV-4400 (hereinafter referred to as 'offending vehicle') and insurer of offending vehicle i.e. National Insurance Company Ltd, have been arrayed as respondents No.1 and 2, respectively in the appeal.

3. The brief facts necessary for adjudication of the present appeal are that the appellant-Amandeep Singh accompanied by Rajdeep Singh was going

on foot alongwith Sangat from Gurdwara Dukh Niwaran Sahib, Patiala to Gurdwara, Fatehgarh Sahib. On their way, Amandeep Singh was hit by a rashly and negligently driven offending vehicle. He suffered injuries on his body including fracture on his left leg. FIR No. 195, dated 08.06.2014, Under Sections 279, 337 and 338 of the Indian Penal Code was registered at Police Station Tripri, Patiala.

4. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed before the Tribunal.

5. The Tribunal after considering the facts and appreciating the evidence adduced, held that the accident occurred due to rash and negligent driving of the offending vehicle. The owner-cum-driver and insurer of the offending vehicle were held jointly and severally liable to pay the compensation. The Tribunal awarded a compensation to the tune of ₹1,65,000/- alongwith an interest @ 6% per annum. The details of the compensation awarded by the Tribunal are mentioned below:

Head	Compensation Awarded
Medical expenses	₹15,000/-
Monetary loss	₹30,000/-
Special diet	₹20,000/-
Attendant charges	₹20,000/-
Loss of amenities	₹25,000/-
Loss of expectation of life	₹25,000/-
Marital prospects	₹15,000/-
Total awarded amount	₹ 1,65,000/-

6. The present appeal has been filed for enhancement of compensation.

7. Learned counsel for the appellant argued that the amounts awarded

under various conventional heads are on lower side.

8. From perusal of paper book and relevant documents produced, no case is made out for enhancement of compensation. The appellant suffered a fracture on his left leg. He was hospitalized only for three days. There is neither any permanent nor temporary disability. No doctor had deposed proving the nature and seriousness of the injury suffered by the appellant. The Tribunal while awarding compensation has taken into consideration pecuniary as well as non-pecuniary damages and awarded just and equitable compensation.

9. No case is made out for interference. The appeal is, hereby, dismissed.

NOVEMBER 19, 2018
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(AVNEESH JHINGAN)
JUDGE

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