

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

**FAO No.1466 of 2019 (O&M)  
Date of decision: 27.08.2019**

Banwari Lal

....Appellant

Versus

Suresh Kumar and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Sandeep Kotla, Advocate,  
for the appellant.

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**RITU BAHRI J. (Oral)**

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Fatehabad (hereinafter referred to as 'the Tribunal') vide award dated 16.11.2018 on account of injuries received by him in a motor vehicular accident which took place on 24.07.2017.

Brief facts of the case are that on 24.07.2017 at about 12.30 P.M., Banwari Lal-claimant (appellant), along with his son Sher Singh, was standing on *katcha* portion of the road near Devi Lal Park, Bhattu Mandi. In the meantime, a car bearing registration No. HR-24-Y-0432, being driven by Suresh Kumar-respondent No.1 in a rash and negligent manner, came and firstly, struck against another car bearing No.HR-19-H-5152 and thereafter, hit the claimant-appellant, as a result of which, he received multiple, grievous and serious injuries. His left foot was badly crushed. His

son Sher Singh took him to CHC Bhattu Kalan, where he was medico-legally examined. Thereafter, the claimant was referred to NAMC, Agroha. But, family members of the claimant brought him to Soni Burn Hospital, Hisar, where he remained admitted for treatment. Thereafter, the claimant was shifted to Chawla Nursing Home, Hisar on 26.07.2017. With regard to the incident, FIR No. 182 dated 29.07.2017, under Sections 279/337/338 IPC was registered against respondent No.1 at Police Station, Bhattu Kalan, District Fatehabad. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident, which caused injuries to claimant-appellant, had taken place on account of rash and negligent driving of the offending vehicle by its driver. This finding was rightly given on the basis of deposition of Banwari Lal-claimant (PW-3). Apart from this, claimant has also proved on record documents Ex.P1 to Ex.P58.

On the basis of evidence adduced by the claimants, the compensation was assessed by the Tribunal, as under:-

|                                                                         |   |                      |           |
|-------------------------------------------------------------------------|---|----------------------|-----------|
| 1. For Medical expenses                                                 | : | Rs.1,25,000/-        |           |
| 2. For pain and sufferings                                              | : | Rs.1,00,000/-        |           |
| 3. For transportation                                                   | : | Rs.25,000/-          |           |
| 4. For attendant charges                                                | : | Rs.10,000/-          |           |
| 5. Special diet                                                         | : | Rs.10,000/-          |           |
| 6. Loss of enjoyment of amenities:<br>of life on account of disability. | : | Rs.40,000/-          |           |
| 7. For loss of earning during the :<br>treatment                        | : | Rs.72,000/-          | period of |
| <b>Total</b>                                                            | : | <b>Rs.3,82,000/-</b> |           |

Hence, the claimant was found entitled to total compensation of

Rs.3,82,000/- along with interest @ 7.5% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

The fact of accident is not in dispute. It stands duly proved that claimant-appellant has received injuries as a result of the accident, which had taken place due to rash and negligent driving of the offending vehicle by its driver-respondent No.1.

After hearing learned counsel for the appellant and going through the impugned award, this Court is of the view that compensation in favour of claimant-appellant has been rightly awarded by the Tribunal keeping in view the law prevalent at that time. No further modification is required to be done in this case. Hence, no ground is made out to interfere in the impugned award.

Resultantly, finding no merits, present appeal is dismissed.

**(RITU BAHRI)**  
**JUDGE**

27.08.2019  
ajp

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