

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

CWP No.6384 of 2019

Date of Decision : 03.09.2019

Karam Singh @ Kamal

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

...

Present : Mr.Manoj K.Sharma, Advocate
for the petitioner.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks a Mandamus for directing the respondent authorities under the State of Punjab to pay to him compensation to the tune of Rs.5 lacs on account of the injuries suffered in a motor vehicular accident.

Counsel would submit that on 25.05.2016, petitioner was proceeding on Aactiva Scooter and was struck by a Mohindra vehicle which was being driven in a rash and negligent manner. As a result of the accident petitioner received multiple injuries and was referred to S.G.L.Hospital, Jalandhar for treatment. It is urged that left arm of the petitioner was fractured and even the right arm was damaged.

Prayer for grant of compensation in the instant petition is founded on the strength of a notification dated 13.03.2014 issued by the Punjab State, Department of Home Affairs and Justice and placed on record as Annexure P-2.

Counsel during the course of hearing would confine the prayer in the instant petition for award of compensation of Rs.25,000/- on account of loss of a limb.

Counsel for the petitioner has been heard at length and pleadings on record have been perused.

Perusal of the notification dated 13.03.2014 would reveal that the State Government had formulated a policy for providing emergency medical aid and compensation to the victims of motor vehicle and other accidents. Clause 3 of the notification governs the quantum of compensation and reads as under :

“3. COMPENSATION

The compensation shall be provided to the nominee/legal heir(s) or the beneficiary, as the case may be, as detailed below in case the insured/beneficiary suffers death/permanent total disability/permanent disability as mentioned below due to any reasons as mentioned in para 2 above:-

- | | |
|---|-------------|
| (a) Death | Rs.1.00 Lac |
| (b) Permanent Total Disability | Rs.1.00 Lac |
| (c) Loss of two limbs, two eyes, one limb and one eye | Rs.50,000/- |
| (d) Loss of one eye or one limb | Rs.25,000/- |

In order to clarify the status of nominee/legal heir, details are given below :

(a) If the deceased is married :-

Compensation will be paid in the following order:-

- (i) Wife/Husband
- (ii) Dependent Children
- (iii) Dependent parents

(iv) Brother and sister

(v) Close relatives

The point is further clarified that if wife has already died then compensation goes to dependent children. If dependent children are not there, then amount goes to dependent parents and so on.”

Under Clause 3 an amount of Rs.25,000/- towards compensation is admissible to a person who has suffered injuries in a motor vehicular accident and as a result of which has either lost one eye or one limb.

In the facts of the present case, there is no evidence/material adduced on record to demonstrate any loss of limb of the petitioner in the accident that had occurred on 25.05.2016. It may also be noticed that the petitioner had filed a claim petition under Section 166 of the Motor Vehicle Act, 1988 seeking compensation on account of injuries suffered in the same very accident and which has been dealt with and decided on 01.08.2018 by the Motor Accident Claims Tribunal, Hoshiarpur at Annexure P-1. Perusal of the award would also show that there was no assertion made by the petitioner as regards loss of limb. Compensation was sought on account of fractures and injuries suffered on both the arms as also a fracture of the right thigh.

In the considered view of this Court, the claim of the petitioner is not covered under the notification dated 13.03.2014 (Annexure P-2).

No other submission has been raised.

There is no merit in the writ petition and the same is dismissed.

03.09.2019
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No