

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1782 of 2004
Date of decision: 11.09.2019

Banwari Lal

...Appellant

V/s.

Des Raj and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. B.K. Bagri, Advocate for the appellant.

Ms. Vanita Jain, Advocate for
respondents No. 1 and 2.

Mr. Suman Jain, Advocate for
respondent No. 3-insurance co.

RITU BAHRI, J. (Oral).

The claimant has come up in appeal against the award of the Tribunal dated 23.12.2003 whereby compensation of Rs.3,01,175/- has been awarded to him on account of injuries suffered by him in a road accident which took place on 29.08.2000.

Brief facts of the case are that on 29.08.2000 he alongwith Chhattar Singh, R.T.O. Gurgaon and other officials was present at Jharsa Chowk, Gurgaon, on the National Highway No. 8, then at about 07:20 a.m., TATA Sumo without registration number came from the side of Rajeev Chowk and then he gave a signal to stop the said vehicle, but the driver of the vehicle did not stop his vehicle and while driving it in a rash and negligent manner and at high speed, hit him intentionally. As a result of

which, he had sustained injuries on his body. Consequently, the claimant filed a claim petition before the Tribunal.

The parties are not in dispute with respect to the finding on issue No. 1. This finding has been rightly given in favour of the claimant keeping in view that criminal case under Sections 307/332/333/353 IPC was registered against respondent No.1 and he was charge-sheeted.

On the other hand, respondent No. 3 had placed on record Ex.R1 the certified copy of the charge-sheet and Ex. R7 the certified copy of the statement of claimant Banwari Lal.

The insurance company has been given recovery rights keeping in view finding on issue No. 3. The insurance company had examined Jaan Mohammad, Licencing Clerk, Licencing Authority, Nuh as RW1. He was summoned to appear alongwith record pertaining to the driving licence No. 6562/97 of respondent No.1. He had stated that this licence was not issued or renewed by the Licencing Authority Nuh. However, RW2 Raj Kumar, Steno of the office of D.T.O. Gurgaon has stated that the driving licence No. 3347/G/2000 was renewed by their authority on 19.10.2000 in the name of Desh Raj son of Babu Lal and the same was valid upto 26.09.2003. Keeping in view the statement of Jaan Mohammad, Licencing Clerk, Licencing Authority, Nuh, the recovery rights were given to the insurance company.

The claimant is now claiming the enhancement of compensation. He has suffered 7% permanent disability on account of post traumatic stiffness of left knee, with pain on the left side of the chest as per the disability certificate Ex. PB which was proved by Dr. Ashok Saini,

Medical Officer, Civil Hospital, Rewari. The Tribunal assessed the following compensation:-

Sr. No.	HEADS	CALCULATIONS
(i)	Compensation for 7% disability	Rs.14,000/-
(ii)	Medical bills	Rs.2,42,175/-
(iii)	Pain and suffering	Rs.15,000/-
(iv)	Attendant and transportation charges	Rs.20,000/-
(v)	Balanced diet and other miscellaneous expenses	Rs.10,000/-
	TOTAL COMPENSATION AWARDED	Rs.3,01,175/-

A perusal of the award shows that the Tribunal has awarded compensation on all the heads and no modification is required to be made in the compensation. Hence, the appeal is dismissed.

(RITU BAHRI)
JUDGE

11.09.2019
Divyanshi

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