

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

FAO No. 1630 of 2006

Date of decision: 17.10.2019

Gurpreet Singh

...Appellant

V/s.

Rakesh Kumar and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: None for the appellant.

RITU BAHRI, J. (Oral).

FAO No. 1629 of 2006 arising out of the same accident which took place on 17.02.2002, has already been decided on 01.05.2019. In this case, the deceased Surinder Singh was 18 years of age. The present appeal relates to the injury suffered by Gurpreet Singh and he has come up in appeal against the award of the Tribunal dated 06.01.2006 whereby he has been awarded compensation of Rs.55,892/- on account of injuries sustained in a road accident which took place on 17.02.2002.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 17.02.2002 at about 8:30 p.m. deceased Surinder Singh was travelling on a scooter bearing No. PV-22-5867 being driven by him, whereas Gurpreet Singh claimant was pillion rider. They were going from their houses to pay obeisance in Gurudwara Tindanwali. When the deceased Surinder Singh reached near Dhani Bhagwan Singh in the area of village Bahmaniwala at about 8:30 p.m., a tractor make 'Mahindra' of red colour bearing No. PB-61-1843, being driven

by Rakesh Kumar respondent No.1 came from the front side in a rash and negligent manner, without switching on its lights. It was being driven at a very high speed. A trailer was also attached with the aforesaid tractor. The driver of the tractor struck it against the scooter of the deceased. The accident was witnessed by Gurpreet Singh, claimant. As a result of the accident, Gurpreet Singh suffered injuries on his leg and other parts of the body. Accident had occurred due to sole rash and negligent driving of respondent No.1. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

The parties are not in dispute with respect to finding on issue No. 1 that the accident took place on account of rash and negligent driving of respondent No. 1. This finding has been rightly given in favour of the claimant keeping in view FIR No. 30 dated 18.02.2002 under Sections 304-A/279/337/338 IPC was registered at Police Station Sadar Jalalabad (Ex.C11) and deposition of claimant Gurpreet Singh.

The claimant had suffered multiple injuries due to accident and he had produced on file bills regarding the treatment and purchase of medicines amounting to Rs.5,892/-. He remained admitted in hospital for 11 days and suffered fracture of knee and right shoulder. The Tribunal had assessed the following compensation:-

Sr. No.	HEADS	CALCULATIONS
(i)	Medicines	Rs.5,892/-
(ii)	For pain and suffering, loss of income, enjoyment of life and for other counts	Rs.50,000/-
	TOTAL COMPENSATION AWARDED	Rs.55,892/-

Hence, the claimant was found entitled to total compensation of Rs.55,892/- along with interest @ 6% per annum from the date of filing of

the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

REASSESSED COMPENSATION

The fact of accident is admitted and proved. It stands established that the claimant has suffered injuries as a result of the accident. Finding of negligence has rightly been given by the Tribunal and it does not require any interference on that account.

The compensation is hereby reassessed keeping in view the judgment passed by Hon'ble the Supreme Court in *Raj Kumar V/s. Ajay Kumar and others* 2011(2) RCR (Civil) 101 as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Medicines	Rs.5,892/-
(ii)	Remained admitted in hospital for 11 days	Rs.15,000/-
(iii)	Special diet	Rs.10,000/-
(iv)	Transportation	Rs.10,000/-
(v)	Pain and suffering	Rs.20,000/-
(vi)	Attendant	Rs.10,000/-
	TOTAL COMPENSATION AWARDED	Rs.70,892/-
	ENHANCED AMOUNT OF COMPENSATION	70,892-55,892=Rs.15,000/-

The enhanced amount of compensation of **Rs.15,000/-** shall be paid within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of *Dara Singh @ Dhara Banjara V/s. Shyam Singh Varma and others*, Civil Appeal No. 4528 of 2019. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the appeal is allowed.

(RITU BAHRI)
JUDGE

17.10.2019
Divyanshi

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