

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

FAO No. 1190 of 2014 (O&M)

Date of decision : February 06, 2019

Sher Singh

.....Appellant

Versus

Prem Parkash and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Swati, Advocate for
Mr. Jarnail S. Saneta, Advocate
for the appellant.

Ms. Shamsheer Kaur, Advocate
for respondent No. 2.

LISA GILL, J.

This appeal has been preferred by the appellant – Sher Singh for enhancement of compensation awarded to him vide award dated 16.07.2013 passed by the learned Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'Tribunal') on account of injuries and disability suffered by him in the motor vehicle accident, which took place on 12.06.2009.

Brief facts necessary for adjudication of the case are that the appellant filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of injuries suffered by him in a motor vehicle accident caused due to driving of the offending Truck bearing registration No. HR-55-G-9125 by respondent No.4 in a rash and negligent manner. It was averred that Sher Singh alongwith his nephew Sohan Pal was going to Sohna on a motorcycle. The motorcycle was driven by Sohan Pal and Sher Singh was riding pillion. When they reached near Ramanand

Petrol Pump, Sohna, offending vehicle Truck bearing registration No. HR-55-G-9125 driven by respondent No. 4 in a rash and negligent manner struck against the motorcycle. As a result thereof, both Sher Singh and Sohan Pal fell down and sustained multiple grievous injuries.

The appellant in this case was injured in a motor vehicle accident which took place on 12.06.2009. He received injuries due to which he suffered permanent disability to the extent of 25% qua the limb. Injured – appellant was 35 years old at the time of the accident and he was serving the PWD Department (B&R), Faridabad as a Beldar earning a salary of ₹14,000/- per month.

Learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of truck bearing registration No. HR-55-G-9125 by respondent No. 4. This finding of the learned Tribunal has attained finality. The learned Tribunal awarded a total compensation of ₹5,50,000/- as hereunder:-

1.	Expenses relating to treatment, hospitalisation, medicines and transportation	Rs.2,50,000/-
2.	On account of disability	Rs.50,000/-
3.	Pain and suffering undergone by the claimant	Rs.50,000/-
4.	Loss of amenities and enjoyment of life	Rs.50,000/-
5.	Expenses incurred on special diet/other misc. expenses	Rs.25,000/-
	Total	Rs.4,25,000/-

Aggrieved of the quantum of compensation, claimant has filed this appeal.

I have heard learned counsel for the parties and have gone through the available file.

The expenses relating to the medical treatment etc. have been afforded as per the bills proved on record. It is further not denied that the appellant was employed as Beldar in the PWD department and he continued with his job. There is nothing on record to indicate that the injured appellant suffered any functional disability on account of the injury or permanent disability suffered by him. No loss of income was admittedly suffered by the appellant. Learned counsel for the appellant is unable to point out any ground for enhancement of the compensation awarded by the learned Tribunal. The amount awarded by the learned tribunal under the various heads is just and reasonable in the facts and circumstances of this case.

No other argument is raised.

Accordingly, this appeal being devoid of any merit is dismissed with no order as to costs.

February 06, 2019

rts

(Lisa Gill)
Judge

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