

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

**FAO No. 5059 of 2014
Date of decision: 05.12.2019**

Sher Singh

...Appellant

V/s.

Baru Ram and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Manish Saini, Advocate for
Mr. Ram Kumar Saini, Advocate
for the appellant.

Mr. S.S. Sidhu, Advocate
for respondent No. 2.

RITU BAHRI, J. (Oral).

The appellant has come up in appeal against the award of the Tribunal dated 07.12.2013 whereby he has been awarded compensation of Rs.1,36,930/- on account of suffering 15% disability in a road accident which took place on 01.10.2011.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 01.10.2011 at about 5:30 a.m., the claimant was going from village Gamri to village Abli on his motor-cycle bearing registration No. HR-07G-4554 at a very moderate speed and when he reached near village Gobindgarh Khera then in the meantime a stray cow came out of the Vegetable Market and at the same time, motor-cycle bearing registration No.HR-05-E-7529 being driven by respondent No. 1 came from the opposite side. In the process of saving the cow, the motor-cycle being driven by respondent No.1 struck against the

motor-cycle of the claimant. Resultantly the claimant fell down and suffered serious and grievous injuries on his various parts of his body and his left leg was fractured. Consequently, the claimant-appellant filed a claim petition under Section 163-A of the Motor Vehicles Act, 1988 before the Tribunal.

The claimant-appellant was examined by Dr. Bimla Gauri (PW-2) who deposed that on 13.03.2013 she alongwith Dr. Mukesh Kumar, SMO and Dr. Mrs. Madhu Sharma as Deputy Civil Surgeon, Kurukshetra examined the claimant who suffered with communitied fracture femur right side with communitied fracture patella right side and the total disability assessed was 15% vide disability certificate (Ex.P5). This disability was due to moderate restriction of movements at right knee joint with swelling. She has further deposed that the disability was qua particular limb and not qua the whole body and it may reduce with passage of time and physiotherapy. In this backdrop, the Tribunal assessed the following compensation:-

Sr. No.	HEADS	CALCULATIONS
(i)	Medical bills (Ex.P1to Ex.P3 and Ex.P7 to Ex.P16)	Rs.61,930/-
(ii)	Loss of earning capacity	Rs.10,000/-
(iii)	Special diet	Rs.5,000/-
(iv)	Conveyance charges	Rs.5,000/-
(v)	Attendant charges	Rs.5,000/-
(vi)	Pain and suffering as well as loss of enjoyment of life	Rs.50,000/-
	TOTAL COMPENSATION AWARDED	Rs.1,36,930/-

Hence, the claimant was found entitled to total compensation of Rs.1,36,930/- 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-appellant has preferred the present appeal.

A perusal of the award shows that compensation on all heads has been awarded and no further enhancement can be made keeping in view the second schedule of Motor Vehicles Act, 1988.

Appeal is dismissed.

(RITU BAHRI)
JUDGE

05.12.2019
Divyanshi

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