

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

Date of decision: 23.10.2019

1. FAO No.3452 of 2016 (O&M)

Aakash

....Appellant

Versus

Nirbay Singh and others

....Respondents

2. FAO No.3747 of 2016 (O&M)

Ram Chander

....Appellant

Versus

Nirbay Singh and others

....Respondents

3. FAO No.4634 of 2016 (O&M)

Smt. Suman

....Appellant

Versus

Nirbay Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.P. Jangu, Advocate,
for the appellant(s).

Ms. Vandana Malhotra, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

CM No.12441-CII of 2016

For the reasons mentioned in the application, same is allowed

and delay of 1039 days in filing of the appeal is condoned.

FAO Nos.3452, 3747 and 4634 of 2016 (O&M)

This judgment shall dispose of FAO Nos.3452, 3747 and 4634 of 2016 together as common questions of law and facts are involved in all the appeals being arisen out of one and the same accident.

FAO No.3452 of 2016 has been filed by claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'the Tribunal') in MACT No.98 of 2010 (titled as Akash vs. Nirbay Singh and others) vide award dated 05.03.2013 on account of injuries received by him in a motor vehicular accident which took place on 23.04.2010.

FAO No.3747 of 2016 has been filed against the same award passed in MACT No.96 of 2010 (titled as Ram Chander vs. Nirbay Singh and others). Similarly, **FAO No.4634 of 2016** has been filed against the said award passed in MACT No.97 of 2010 (titled as Smt. Suman vs. Nirbay Singh and others).

Brief facts of the case are that on 23.04.2010, claimant-Ram Chander along with his wife Suman and son Aakash, was going to Delhi from his village on a motorcycle No. DL-4S-BF-6705. At about 6.30 A.M., when they reached opposite Hyderabad Factory on NH-8, in the meantime, offending vehicle bearing No. HR-47-A-4741, being driven by Nirbay Singh-respondent No.1 in a rash and negligent manner came from behind and hit them, as a result of which, all the aforesaid claimants fell down and received serious and multiple injuries. They were taken to Apex Hospital and Trauma Centre, Dharuhera. With regard to the accident, FIR No.121 dated 23.04.2010, under Sections 279/337 IPC was registered at Police Station, Dharuhera against respondent No.1 Consequently, the claimant-

appellants filed separate claim petitions before the Tribunal.

On the basis of evidence led by the parties, Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle by its driver i.e. respondent No.1 and thus, returned the finding on issue No.1 in favour of the claimants. This finding was rightly given on the basis of deposition of Ram Chander-claimant (PW-2) and Suman-claimant (PW-3). Further, the claimant has proved on record copy of FIR Ex.PW2/B. Ultimately, the claim petitions were accepted by the Tribunal vide common award dated 05.03.2013 and compensation was awarded as under:-

1. MACP No.96 of 2010 (Ram Chander vs. Nirbay Singh and others.

Sr. No.	Heads	Amount
1.	Diet and nutrition	Rs.2000/-
2.	Medical expenses	Rs.2520/-
3	Pain and sufferings	Rs.2000
	Total	Rs.6520/-

2. MACP No.97 of 2010 (Smt. Suman vs. Nirbay Singh and others.

Sr. No.	Heads	Amount
1.	Diet and nutrition	Rs.2000/-
2.	Medical expenses	Rs.8230/-
3	Pain and sufferings	Rs.2000
	Total	Rs.12,230/-

3. MACP No.98 of 2010 (Akash vs. Nirbay Singh and others.

Sr. No.	Heads	Amount
1.	Diet and nutrition	Rs.2000/-
2.	Medical expenses	Rs.4250/-
3	Pain and sufferings	Rs.2000
	Total	Rs.8550/-

Hence, the claimants Ram Chander, Smt. Suman and Akash were found entitled to a total compensation of Rs.6520/- (round off Rs.6500/-), Rs.12,230/- (round off Rs.12,200/-) and Rs.8550/- respectively along with interest at the rate of 7% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant(s) have preferred the present appeals.

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the claimants-appellants have received injuries as a result of the accident. A perusal of the impugned award shows that after the accident in question, claimant-appellants have not suffered any permanent disability. The Tribunal has already awarded adequate compensation to the claimants keeping in view the injuries suffered by them.

After going through the impugned Award, this Court is of the view that the compensation has been rightly assessed by the Tribunal after appreciating evidence in the right perspective. No ground is made out to interfere therein.

Resultantly, finding no merits, present appeals i.e. FAO No.3452 of 2016, FAO No.3747 of 2016 and FAO No.4634 of 2016 are dismissed.

(RITU BAHRI)
JUDGE

23.10.2019
ajp

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