

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

**FAO No. 5876 of 2016(O&M)
Date of Decision:25.03.2019**

RSRTC (Rajasthan State Road Transport Corporation), Jaipur, Rajasthan, through its authorized signatory, Sh. Satyawan Sangwan, Sr. Law Officer, R.S.R.T.C, Delhi (owner of offending bus No. RJ-14-PB-6683 as per agreement and supervision).

..... Appellant

Versus

Shiv Kumar and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Radhey Shyam Sharma,Advocate
for the appellant.

LISA GILL, J(Oral).

This appeal has been filed by the Rajasthan State Road Transport Corporation, challenging award dated 23.09.2015, passed by the learned Motor Accident Claims Tribunal, Rewari, in respect to the quantum of compensation awarded to the injured-claimant.

As per averments in the claim petition under Section 166 of the Motor Vehicles Act (for short 'M.V.Act'), Shiv Kumar along with his son Ansul on 16.11.2012, at about 10.45.a.m., were going to Rewari from Dharuhera on his motorcycle bearing registration no. HR-36-R-2416 which was being driven by Shiv Kumar at a moderate speed. When they reached near Sabi Bridge at NH-8, the offending vehicle being driven by its driver-respondent no.1 in a rash and negligent manner directly struck against their motorcycle from the backside. As a result thereof, his son fell on the road with the motorcycle. Shiv Kumar sustained grievous injuries on both his legs and hands while his son-Ansul sustained serious grievous injuries on his head and vital parts of his body. They were taken to Apex Health Care Hospital, Dharuhera, where his son-Ansul succumbed to his injuries. Shiv Kumar remained under treatment in the hospital of Dr S.P.Yadav, Hospital, Rewari and was then shifted to Gopi Nath Hospital, Bhiwadi. FIR, No. 501, under Sections 279, 337, 304-A IPC, was registered at Police Station Dharuhera, against

respondent no.1-Braham Sawroop, in this respect. Two petitions were filed, one seeking compensation on account of death of Ansul and the other for compensation on account of injuries suffered by Shiv Kumar.

Present appeal has been filed by the appellant-RSRTC being aggrieved of the quantum of compensation awarded to Shiv Kumar on account of injuries suffered by him.

Learned tribunal while observing that the claimant-Shiv Kumar did not have any fracture or grievous or serious injuries on his body awarded a sum of ₹10,400/-, which is detailed as under:-

Pecuniary damages		
1.	Loss of income	Nil (no evidence)
2.	Transportation charges	Nil (no evidence)
3.	Attendant charges	Nil (no evidence)
4.	Loss of earning on account of permanent disability	Nil (no evidence)
5.	Special diet	₹.2,000/-
6.	Medical expenses	₹3400/-
7.	Future medical expenses	Nil (no evidence)
Non-pecuniary damages:		
1.	Pain and suffering as the claimant had multiple injuries	₹5000/-
Total		₹10,400/-

Learned counsel for the appellant, at this stage, seeks to withdraw this appeal.

Appeal is accordingly dismissed as withdrawn.

25.03.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.