

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-8079-2016 (O&M)

Date of Decision: 04.07.2019

Aman Kumar

.... Appellants

Versus

Vikram @ Vicky and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Ms. Ramanjit Kaur, Advocate for
Mr. Arun Sharma, Advocate for the appellants.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, the appellant-claimant has sought enhancement of compensation over and above the amount of ₹4,22,040/- granted to him by the Motor Accident Claims Tribunal, Ambala (for short-'the Tribunal') vide Award dated 04.08.2016, on account of multiple injuries received by him in a motor vehicular accident.

Briefly, around 9.00 PM in the night on 11.05.2015, the appellant after completing his work as a pillion rider on motorcycle bearing registration No. HR-04-F-8101, owned by respondent No. 1- Vikram @ Vicky, was going towards his village. The motorcycle was being driven at a moderate speed, observing all traffic rules. However, respondent No. 1 could not notice the corner of roads due to high beam

lights of the vehicles coming from the opposite direction, on account of which their motorcycle was slipped. As a result thereof, appellant fell on the road, suffering multiple grievous injuries. He was taken to Civil Hospital, Ambala Cantt. Considering this critical condition, he was further referred to Government Medical College and Hospital, Sector-32, Chandigarh. In order to save his life and avoid infection in the whole body, right leg of the appellant above knee was amputated in PGIMER, Chandigarh. He remained admitted in PGI w.e.f. 11.05.2015 to 14.05.2015. He used to go to hospital for regular check-up by spending a sum of ₹2000/- as taxi charges. DDR No. 24 dated 16.05.2015, was registered qua the accident in question. With these broad submissions, the appellant filed a claim petition before the Tribunal, under Section 163-A of the Motor Vehicles Act, 1988 (hereinafter referred to as '-the Act'), against the respondents. After holding trial, learned Tribunal, awarded a sum of ₹4,22,040/- along with interest @ 7.5% per annum, from the date of filing of claim petition till realization, to be payable by the respondents, jointly and severally.

Learned counsel for the appellant *inter alia* contends that while granting compensation to the appellant, the Tribunal has not considered the loss of earning capacity of the appellant, throughout his life, due to amputation of his right leg above knee.

Having given thoughtful consideration to the submissions of learned counsel for the appellant, this Court finds the instant appeal completely devoid of any merit for the reason that appellant had filed claim petition under Section 163-A of the Act, wherein compensation has

to be awarded, in accordance with Schedule-II of the Act, calculating the disability as per percentage of the permanent disablement or percentage of loss of earning capacity as per schedule under the Workmen's Compensation Act, 1923.

After going through the Schedules of both the aforesaid Acts, this Court finds no irregularity or illegality in the compensation awarded to the appellant by the learned Tribunal, vide Award impugned herein. Hence, there is no scope of any further enhancement in compensation already awarded strictly, in accordance with law.

Dismissed.

July 04, 2019

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No