

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-3735-2017

Date of decision: 10.12.2019

Parteek Minor

..... Appellant

Versus

Ramphal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. KS Dhanora, Advocate for the appellant.

Mr. Vinod Gupta, Advocate for respondent No. 3.

Service of respondents No. 1 and 2 already
dispensed with vide order dated 24.09.2019.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, appellant-claimant has sought enhancement of compensation, modifying impugned Award dated 03.11.2016 of Motor Accident Claims Tribunal, Hisar (for short 'the Tribunal').

Briefly, on 30.03.2015, appellant received multiple injuries in a motor vehicular accident allegedly caused by respondent No. 1- Ramphal, while driving offending car bearing registration No. HR-21-E-6300 in a rash and negligent manner, owned by respondent No. 2-Deva Nand and insured with respondent No. 3-Insurance Company. Appellant was stated to have suffered 25% permanent disability on account of injuries suffered by him in the alleged accident.

With these broad submissions, he filed a claim petition under

Section 166 of the Motor Vehicles Act, 1988, against the respondents for grant of compensation before the Tribunal.

After holding trial, learned Tribunal awarded a sum of ₹5,18,918/- along with interest @ 9% per annum to the appellant.

Learned counsel for the appellant *inter alia* contends that learned Tribunal has erred in not granting any compensation under the heads loss of income, attendant charges, pain and sufferings etc.

On the other hand, learned counsel for respondent No. 3 vehemently refuting the submissions of learned counsel for the appellant, urged that appellant has adequately been compensated, therefore, there is no scope of any enhancement.

Having given thoughtful consideration to the rival submissions, this Court finds the instant appeal merits dismissal for the reasons to follow:

In normal circumstances, ₹2000/- per percent is awarded towards permanent disability. However, the learned Tribunal for 25% permanent disability to the appellant only qua his right upper limb has awarded an exorbitant sum of ₹3,00,000/-, relying upon a judgment of the Apex Court in **Master Mallikarjun Vs. Divisional Manager, The National Insurance Company Ltd. and another, 2013(4) RCR (Civil) 295 (SC).**

At the time of accident, appellant was not earning anything. He has also not produced any documentary evidence on record that how much was his functional disability. Therefore, in the absence of any such evidence, he has rightly not been awarded any compensation for loss of

income.

Even otherwise, an exorbitant sum of ₹3,00,000/- awarded to the appellant, sufficiently covers all components like loss of income, attendant charges, pain and sufferings etc., inasmuch as, the compensation of more than ₹50,000/- could not have been awarded to the appellant for his alleged permanent disability to the extent of 25%.

That apart, learned Tribunal has also awarded a sum of ₹2,18,918/- to the appellant towards transportation charges, diet and nutrition, medical expenses and pain & sufferings.

In total, the Tribunal has awarded a sum of ₹5,18,918/- to the appellant which is quite adequate, if, not considered on higher side. Therefore, submission of learned counsel for the appellant for not granting any compensation by the Tribunal, in this respect has no legs to stand. Thus, the same is turned down outrightly.

In view of the discussion made above, the instant appeal being completely devoid of any merit is dismissed.

December 10, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No