

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

**FAO No.249 of 2018 (O&M)
Date of decision: 13.12.2019**

United India Insurance Company Limited

....Appellant

Versus

Sampat and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.P. Gupta, Advocate,
for appellant-Insurance Company.

Mr. Sanchit Punia, Advocate,
for respondent No.1-claimant.

RITU BAHRI J. (Oral)

United India Insurance Company Limited-appellant (insurer of offending bus) has filed this appeal against the award dated 11.09.2017 passed by Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'the Tribunal'), whereby compensation of Rs.1,05,000/- has been awarded in favour of the claimants-Sampat (respondent No.1 herein) on account of injuries received by him in a motor vehicular accident which took place on 05.03.2015.

Brief facts of the case are that on 05.03.2015, at about 10:00 P.M., deceased Sonu along with his friends-claimant Sampat (respondent No.1, Rakesh and Sukhbir was coming from Fatehabad to Hisar in a Ford Figo car bearing No. HR-22-G-6205. The said car was being driven by Sukhbir. When they reached near Bagla Road, in the meantime, a tractor

bearing registration No.HR-21-J-0263 (with a mixer *rehra*) being driven by Subhash-respondent No.2 (respondent No.1 in claim petition) in a rash and negligent manner, came and struck against the car, as a result of which, all the occupants of car received injuries. One of the occupants namely Rakesh died on the spot and Sonu died in Sarvodaya Hospital on the second day. Sampat and Sukhbir also received injuries in the aforesaid accident. With regard to the accident, FIR No.191 dated 06.03.2015, under Sections 283/337/304-A/279 IPC was registered against the driver of offending vehicle. Consequently, claimant-respondent No.1 filed a claim petition before the Tribunal seeking compensation on account of the injuries received by him in the accident.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of rash and negligent driving of the offending vehicle by its driver-respondent No.2 (respondent No.1 in claim petition) and thus, returned the finding on issue No.1 in favour of the claimant(s). This finding was rightly given on the basis of deposition of claimants-injured Sampat (PW-3) and Sukhbir (PW-6). The claimants have further proved on record copy of FIR Ex.P6, report under Section 173 Cr.P.C. Ex.P7 etc. Ultimately, the claim petition was accepted and the compensation was assessed as under:-

1.	Medical Expenses	:	Rs.35,000/-
2.	Hospitalization	:	Rs.10,000/-
3.	Pain and sufferings	:	Rs.25,000/-
4.	Conveyance	:	Rs.10,000/-
5.	Attendant and extra diet	:	Rs.25,000/-
Total			Rs.1,05,000/-

Feeling dissatisfied with the impugned award, the appellant-Insurance Company has preferred the present appeal.

Learned counsel for the appellant-Insurance Company states that after the accident, claimant-respondent No.1 had remained in hospital only for five (05) days. However, compensation under the head '**attendant and extra diet**' has been awarded to the tune of Rs.25,000/-.

Heard, learned counsel for the parties.

Since claimant-respondent No.1 had remained admitted in hospital for only five days, compensation under the head 'attendant and extra diet' has been awarded on the higher side. Moreover, claimant has not suffered any grievous injury in the accident in question. In view of the said fact, the compensation is being re-assessed as under:-

Sr. No.	HEADS	AMOUNT (In Rs.)
(i)	Medical expenses	Rs.35,000/-
(ii)	Hospitalization	Rs.10,000/-
(iii)	Pain and sufferings	Rs.25,000/-
(iv)	Conveyance	Rs.5,000/-
(v)	Attendant and extra diet	Rs.10,000/-
(vi)	TOTAL COMPENSATION AWARDED	Rs.85,000/-

Total amount of compensation of **Rs.85,000/-** shall be payable within a period of two months from the date of receipt of certified copy of this order. The amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of “**Dara Singh @ Dhara Banjara vs. Shyam Singh Varma and others**”, Civil Appeal No.4528 of 2019 (arising out of SLP (C) No.5720 of 2019) (decided on 01.05.2019). Remaining conditions of disbursal of amount shall remain

Accordingly, the award stands modified to the above extent and
the present appeal is partly allowed.

(RITU BAHRI)
JUDGE

13.12.2019
ajp

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