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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO NO.3264 OF 2018
Date of Decision: 14.10.2019

Joga SinghAppellant

versus

Subhash and othersRespondents

CORAM HON'BLE MS. JUSTICE RITU BAHRI

Present None for the appellant.

RITU BAHRI, J (ORAL)

The claimant has come up in appeal against the award dated 08.01.2018 whereby in Claim Petition No. 76 of 2017, he has been awarded compensation of ₹ 1,50,000/- on account of injuries suffered by him in a road accident which took place on 06.11.2016.

FACTS

Brief facts of the case are that on 06.11.2016, claimant - Joga Singh along with Jaswant Singh son of Sulkhan Singh, Amrik Singh son of Dhyhan Singh and Raj Kaur wife of Amrik Singh were going on foot from Saniyana to Shankarpura for picking up cotton crop. At about 08:00 am, when they reached near Shankarpura, appellant Joga Singh, Jaswant, Amrik and Raj Kaur were ahead of Chhaju Ram and he was following them and there was thick fog. All of a sudden, a Pick-up came from Uklana side and struck against Jaswant, Amrik Singh, appellant Joga Singh and Raj Kaur and caused the accident. The driver of the Pick-up managed to flee from the spot along with Pick-up. Chhaju Ram had noticed the number of running vehicle Pick up bearing registration No. HR-01L-7488 (referred to as offending vehicle). Then

Chhaju Ram took care of all and after arranging the vehicle got them hospitalized. The unknown driver of the aforesaid Pick up had caused the accident injuring thereby Amrik Singh, Joga Singh, Raj Kaur and Jaswant Singh. Amrik Singh succumbed to the injuries at the spot. A case bearing FIR No. 281 dated 06.11.2016, under Sections 279, 304-A, 337 IPC has been registered against the driver of the offending vehicle Pick up bearing registration No. HR-01L-7488. The accident had taken place due to sole rash and negligent driving of the offending vehicle i.e Pick up bearing registration No. HR-01L-7488 by its driver. After the accident, the appellant was admitted in Bharat Hospital, Barwala where he was medicolegally examined, treated and operated for his fracture and remained admitted as an indoor patient from 06.11.2016 to 17.11.2016.

It is apparent from the impugned award that the accident took place due to rash and negligent driving of respondent no.1 who was driving the offending vehicle. This finding has been rightly given keeping in view FIR No. 281 dated 06.11.2016, under Sections 279, 304-A and 337 IPC has been registered against the driver and challan was also presented. Respondents no.1 to 3 have been jointly and severally held liable to make compensation besides interest at the rate of 7.5% p.a from the date of filing of the claim petition upto the date of actual realization to be given to the appellant in cash.

The claimant was 35 years of age and was a brilliant and hard worker. He used to maintain dairy farming besides providing catering in the functions and also worked in furniture shop and he used to earn ₹ 5,000/- per month and ₹ 2,50,000/- per month.

The Tribunal has assessed the compensation as under:

Sr.No.	Heads	Calculations
i	Pain and suffering	₹ 15,000/-
Ii	Medical expenses	₹ 85,000/-
Iii	Loss of Amenities and enjoyment of life and future prospects etc.	₹ 30,000/-
Iv	Transporation charges	₹ 10,000/-
V	Special diet and attendant charges	₹ 10,000/-
	Total	₹ 1,50,000/-

The appeal is only on quantum of sentence. The medical bills have been rightly reimbursed i.e documents Ex.P1 to Ex.P25. Appellant was under treatment for ten days and pain and suffering has been rightly given ₹ 15,000/- and compensation has been rightly awarded.

No case for further enhancement of the compensation is made out.

Dismissed.

14.10.2019
mamta

(RITU BAHRI)
JUDGE

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