

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

**FAO No.4127 of 2018 (O&M)
Date of decision: 09.07.2019**

Prince (minor) through his father Amit Kumar

....Appellant

Versus

Jasbir Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manoj Kumar Taya, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

CM No.14479-CII of 2018

In view of the averments mentioned in the application, same is allowed and delay of 05 days in filing of the appeal is condoned.

FAO No.4127 of 2018

This appeal has been filed by the claimant-appellant Prince (minor), through his father, seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') vide award dated 16.10.2017, on account of injuries received by him in a motor vehicular accident which took place on 03.08.2016.

Brief facts of the case are that on 03.08.2016, claimant-appellant (Prince) along with his uncle Naresh Kumar was going from Sector 6, Karnal towards S.P. Colony, Karnal on a motorcycle bearing registration No. HR-05-AD-9136. Naresh Kumar was driving the said motorcycle at a moderate speed. At about 3.15 p.m., when they reached near the turn of S.P. Colony, Karnal, in the meantime, a car (Hundai I-20) bearing registration No.HR-05-AG-1713,

being driven by Jasbir Singh in a rash and negligent manner, came from the side of Noor Mahal Chowk and struck against the motorcycle, as a result of which, Naresh Kumar and his nephew Prince (appellant) fell down on the road and received multiple/grievous injuries. The accident was witnessed by Ram Sarup, resident of village Shamgarh, District Karnal. Both the injured were taken to Kalpana Chawla Govt. Medical College Hospital, Karnal. Later on, aforesaid Naresh Kumar succumbed to the injures on 15.08.2016. With regard to the accident, FIR No.661 dated 05.08.2016, under Sections 279, 337, 304-A and 338 IPC was registered against respondent No.1 at Police Station, Sadar, Karnal. Consequently, the claimant-appellant filed a claim petition under Section 166 of the Act before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of the offending vehicle by its driver i.e. respondent No.1 and thus, returned finding on issue No.1 in favour of the claimant. This finding was rightly given on the basis of deposition of Ram Parkas (PW-3), who was eye witness of the accident. Further the claimant has proved on record copy of report under Section 173 Cr.P.C. Ex.P6, copy of postmortem report of deceased Naresh Ex.P8, copies of MLRs of deceased and present claimant (appellant) Ex.P9. After going through the evidence, Tribunal awarded compensation in favour of the claimant as under:-

Sr. No.	Heads	Amount
1.	Compensation on account of hospitalization	Rs.21,100/-
2.	Compensation on account of medical expenses	Rs.24,980/-
3	Compensation on account of miscellaneous charges due to admission in hospital for 5 days	Rs.5,000/-
	Total	Rs.51,080/- rounded off Rs.51,000/-

Ultimately, the claimant was found entitled to a total compensation of Rs.51,000/- along with interest at the rate of 7% from the date of filing of the claim petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved. Parties are not in dispute with regard to finding given by the Tribunal on issue No.1 to the effect that claimant-appellant has received injuries as a result of the accident in question, which has occurred due to rash and negligent driving of the offending vehicle by respondent No.1. A perusal of the impugned award shows that the appellant has not suffered any kind of permanent disability due to the injuries suffered by him in the accident in question. After the accident, appellant was taken to the hospital, where he remained admitted from 03.08.2016 to 08.08.2016. For this treatment, claimant-appellant has been awarded a sum of Rs.21,100/-. He has further been awarded a sum of Rs.24,980/- on account of the expenses incurred on his medical treatment.

After going through the impugned award, this Court is of the view that the Tribunal has awarded adequate compensation in favour of the claimant under all the heads. The evidence has been appreciated in the right perspective. No ground is made out to enhance the compensation and to interfere in the impugned award.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

09.07.2019
ajp

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