IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 4910 of 2018 (O&M)

Date of Decision: 09.05.2019

Faqir Chand Singla

.......Appellant

Versus

Manjit Singh and others

......Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parminder Singh, Advocate
for the appellant.

AVNEESH JHINGAN, J.(oral)

The present appeal has been filed being aggrieved of award dated 9.8.2017 passed by Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') on account of the injuries sustained by the appellant in the accident.

The facts necessary for adjudication of the present appeal are that on 28.10.2013 Faqir Chand Singla (appellant) was going on his motorcycle bearing registration No. PB-11AV-8928 towards village Khanauri. When he reached near Bus stand of village Dutal, the motorcycle was hit by a car bearing registration No. HR-16-J-6639 (for short 'the offending vehicle'). As a result of the impact, the appellant sustained injuries including fracture of arms and legs. He was taken to Civil Hospital, Patran, then he was admitted in Amar Hospital, Patiala. Thereafter he got admitted in PGIMER Chandigarh. FIR No. 293 dated 29.10.2013 was registered at

Police Station Patran. The accident was caused due to rash and negligent driving of the offending vehicle. The insurance company was held liable to pay compensation.

A claim petition was filed claiming that the claimant was getting salary of ₹ 20,000/- per month from M/s Jeoni Rice Mill, Patran. His income tax returns were exhibited before the Tribunal. As per the income tax return the annual earning of the appellant was ₹ 1,93,375/-. The admission of the appellant in Amar Hospital, Patiala, for one day was proved by deposition of Dr. Arun Bansal. Dr. Sourab Aggarwal appeared as CW3 and proved one day admission of the appellant in PGIMER, Chandigarh. CW4 Dr. Jai Bhagwan from Virk Hospital, Karnal proved one day admission in the hospital. Medical bills were exhibited totalling to ₹ 24,000/-. The Tribunal considering the facts and appreciating the evidence adduced awarded a sum of ₹ 2,55,000/-. Detail of compensation awarded is mentioned as below:

Heads	Amount in ₹
Medical expenses relating to treatment as per bills/receipts	24,000.00
Attendant charges	10,000.00
Transportation	10,000.00
Damages on account of pain and sufferings, trauma	1,00,000.00
Loss of earnings	96,000.00
Special diet	15,000.00
Total	2,55,000.00

Heard learned counsel for the appellant and perused the relevant documents produced.

Learned counsel for the appellant argued that the Tribunal awarded loss of income of six months by considering his monthly income of ₹ 16,000/- whereas the appellant was earning ₹ 20,000/- per month.

The contention raised is not well founded.

The annual earning of the appellant was ₹ 1,93,375/- as per income tax returns produced i.e. ₹ 16,000/-per month, the same was considered for awarding loss of earning. It has to be noted that inspite of the fact that nothing was produced on record to show that the appellant was not able to attend his job for six months, the Tribunal awarded loss of earning for six months. The medical bills were duly reimbursed. Various pecuniary and non-pecuniary heads were considered and the compensation was awarded. From the deposition of three doctors it was proved that the appellant was admitted for three days only in various hospitals.

No case is made out for further enhancement.

The appeal is accordingly dismissed

Since the main appeal has been decided on merits, the question of limitation is kept open.

(AVNEESH JHINGAN)
JUDGE

09.05.2019
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Whether speaking/reasoned Yes
Whether Reportable: No