

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

FAO No.7937 of 2017 (O&M)

Date of decision: 23.09.2019

Reliance General Insurance Company Ltd.

....Appellant

Versus

Harwinder Singh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sanjeev Kodan, Advocate,
for the appellant.

Mr. Parminder Singh, Advocate,
for respondent No. 1.

Mr. Manoj Sharma, Advocate,
for respondent No.2.

RITU BAHRI J. (Oral)

Reliance General Insurance Company Ltd.-appellant has filed this appeal against the award dated 07.10.2017 passed by the Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred to as 'the Tribunal') whereby compensation of Rs.1,21,481/- has been awarded in favour of the claimant-respondent No. 1 on account of injuries received by him in a motor vehicular accident which took place on 24.02.2014.

Brief facts of the case are that on 24.02.2014, claimant-appellant Harwinder Singh along with his mother Gurdev Kaur (since deceased) was going from village Ransota to Dasuya on a scooter bearing registration No. PB-21-A-5673. Said motorcycle was being driven by Harwinder Singh on the correct side of road. At about 10.45 A.M., when

Ace bearing No.PB-07-AF-2326 being driven by Avtar Singh-respondent No.2 (respondent No.1 in claim petition) in a rash and negligent manner, came from the front side and struck against the scooter, as a result of which, Harwinder Singh and his mother Gurdev Kaur fell down and received multiple injuries. After the accident, driver of the offending vehicle ran away from the spot. Injured were got admitted in the Civil Hospital, Dasuya. However, Gurdev Kaur was declared brought dead. With regard to the accident, FIR No.17 dated 24.02.2014, under Sections 279/304-A/337/427 IPC was registered at Police Station, Dasuya. Consequently, claimant-respondent No.1 filed a claim petition under the Section 166 of the Motor Vehicle Act before the Trbunal.

On the basis of evidence led by the parties, Tribunal came to a conclusion that the accident had taken place due to rash and negligent driving of the offending vehicle by its driver, as a result of which, claimant has received injuries and Gurdev Kaur has died. This finding was right given on the basis of statement made by Harwinder Singh, claimant-appellant (AW-1), who was injured/eye witness of the accident and on whose statement FIR Ex.A1 was registered. The compensation was assessed as under:

Sr. No.	Head	Amount
1	Attendant charges	Rs.15,000/-
2	Pain and sufferings	Rs.20,000/-
3	Medical expenditure	Rs.86,481/-
	Total	Rs.1,21,481/-

Ultimately, the claim petition was allowed and the claimant was found entitled to a total compensation of Rs.1,21,481/- along with interest at the rate of 6% per annum from the date of filing of petition till realization.

Company has filed the present appeal.

Heard, learned counsel for the parties.

The fact of accident is admitted and proved. It stands established that the claimant-respondent No.1 has received injuries as a result of the accident, which took place on account of rash and negligent driving of the offending vehicle by its driver. As per deposition of Harwinder Singh-claimant (AW-1), in the aforesaid accident, he sustained external injuries on his right leg, face, chin and also suffered internal injuries in his head as well as stomach. After the accident, he was got admitted in Civil Hospital, Dasuya and thereafter, due to critical condition on 25.02.2014, he was shifted to Kartar Singh Memorial Hospital & Maternity Home, situated at Qila Road, Mukerian, where he remained admitted till 11.03.2014 as indoor patient. Thereafter, he was shifted to Aekam Hospital, Jalandhar City, where he remained admitted till 17.03.2014. He further deposed that he is still under treatment as outdoor patient. Testimony of claimant-appellant has been corroborated by Dr. Surinder Singh, Prof., Shri Kartar Singh Memorial Hospital & Maternity Home, Mukerian (AW-2), who stated that claimant Harwinder Singh was admitted in his hospital on 25.02.2014 and was discharged on 11.03.2014. He had proved the bed head ticket as Ex.A14 and bill dated 11.03.2014 amounting to Rs.40,470/- as Ex.A10.

A perusal of the impugned award shows that finding on issue No.1 has been rightly given in favour of the claimants to the effect that the accident in question had taken place on account of rash and negligent driving of the offending vehicle by its driver. After going through the impugned award, this Court is of the view that the compensation has been

rightly awarded in favour of the claimant (respondent No. 1) as per the law prevalent at that time and no ground is made out to interfere therein. The evidence has been appreciated in the right perspective.

Resultantly, finding no merits, the present appeal is dismissed.

(RITU BAHRI)
JUDGE

23.09.2019
ajp

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