IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 6626 of 2018
Date of decision: 12.4.2019

Anil

.. Appellant

v.

Sonu and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishal Nehra, Advocate for the appellant.

...

AVNEESH JHINGAN, J. (Oral)

The award dated 27.4.2018 passed by the Motor Accident Claims Tribunal, Sonepat (for short, 'the Tribunal') has been assailed by the claimant seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

The respondents in the appeal are the driver-cum-owner of auto-rickshaw bearing registration No. HR-69C/5812 (hereinafter referred to as 'the offending vehicle') and insurer (i.e. Iffco Tokio General Insurance Company Ltd.) of the offending vehicle.

The facts are summarised below:

On 28.7.2017, the appellant was going to his duty. When he reached near village Khburu, the offending vehicle struck against the motorcycle of the appellant, as a result of the impact, he fell down and suffered fracture in the right leg. He was taken to PGI Khanpur Kalan, from where he was referred to PGIMS Rohtak. FIR No. 415 dated 31.7.2017 was registered at Police Station Gannaur.

In the claim petition, the Tribunal after considering the facts

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and appreciating the evidence adduced held that the accident was result of the rash and negligent driving of the offending vehicle. The owner-cum-driver and the insurer of the offending vehicle were held jointly and severally liable to pay the compensation.

It was pleaded before the Tribunal that the deceased remained hospitalised for 18 days. He suffered fracture and was operated upon. Medical bills were produced and proved. Bills for transportation were also produced. The Tribunal awarded a sum of ₹1,59,144/- along with interest @ 7.5% per annum. The amount awarded included ₹45,744/- for medical expenses, ₹50,000/- for pain and sufferings, ₹10,000/- for special diet and attendant, ₹26,400/- for transportation charges and ₹27,000/- for loss of income.

Learned counsel for the appellant argues that the amount awarded under various pecuniary and non-pecuniary heads are on the lower side.

From the perusal of the award, it is evident that neither any temporary nor any permanent disability suffered by the appellant. Even no doctor deposed to prove the injuries and the nature of treatment given. The Tribunal had considered all evidence produced before it and has awarded just and equitable compensation.

No case is made out for enhancement of compensation.

The appeal is dismissed.

(AVNEESH JHINGAN)
JUDGE

12.4.2019
mk

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

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