

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

FAO No. 800 of 2020 (O&M)

Date of decision: 20.01.2020.

Reliance General Insurance Company Limited

..... Appellant.

Versus

Virender and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

ANUPINDER SINGH GREWAL, J. (ORAL)

CM No. 1704-CII of 2020

This application is for condonation of delay of 17 days in filing the appeal.

Heard. For the reasons stated in the application, the same is allowed and the delay of 17 days in filing the appeal is condoned.

FAO No. 800 of 2020 (O&M)

The appellant has preferred an appeal against the Award dated 27.09.2019 passed by the Motor Accident Claims Tribunal, Rohtak ('Tribunal' - for short) whereby the claim petition preferred by respondent No.1 (claimant) has been allowed.

Learned counsel for the appellant contends that the compensation, which has been awarded by the Tribunal, is excessive and without any cogent evidence.

Heard.

The respondent No. 1 (claimant) had preferred a claim petition under Section 166 of the Motor Vehicles Act, 1988 ('Act' - for short) seeking compensation to the tune of ₹50,00,000/- along with interest @18% per annum on account of injuries sustained by him in a motor vehicle accident, which had taken place on 25.05.2014. Respondent No. 1 (claimant) and his son were travelling on TVS Star City motorcycle bearing registration No.HR03H-1665. At about 03:30/03:45 p.m. when they reached near Sainik Petrol Pump on NH73, Panchkula, respondent No. 1 (claimant) after having dropped his son started travelling towards Ramgarh and at that moment a Toyota Innova car bearing registration No. HR-58B-0321 being driven by respondent No. 2 in a rash and negligent manner and at high speed came and struck the motorcycle of respondent No.1 (claimant) as a result of which he (respondent No.1/claimant) fell down on the road and received multiple injuries. The son of respondent No.1 (claimant) had noted the number of the offending vehicle. Respondent No.1 (claimant) was taken to the Government Hospital, Sector 6, Panchkula, wherefrom he was referred to the PGIMER, Chandigarh.

Respondent No.1 (claimant) had produced the medical bills pertaining to the expenses, which he had incurred on his treatment, on record as Ex. P2 to Ex. P93 for a total sum of ₹30,00,000/-. He had also submitted disability certification No. 8672 dated 07.11.2016 issued by the Medical Board, PGIMS, Rohtak, which shows that he is suffering from 90% permanent disability due to mental retardation. The disability certificate indicates the IQ level of respondent No. 1 (claimant) as 30. Respondent No. 1 (claimant) had remained admitted in PGIMER, Chandigarh for over one and a

half months. He was an enlisted government contractor for the works up to ₹5,00,000/-. His income tax return for the period 2013-14 (Ex. P96) shows his annual income as ₹2,05,493/-. His monthly income was assessed at ₹17,125/-. He was married and having two dependents and, therefore, 1/3rd of his annual income was deducted towards his personal living expenses and after deduction, his annual income was assessed at ₹1,37,004/-. Respondent No. 1 (claimant) was of the age of 45 years at the time of accident and multiplier of 14 was applied and the amount was worked out as ₹19,18,056/-. He was also held entitled to ₹2,91,631/- for the medical bills which he had tendered in evidence. For pain and suffering, transportation, attendant charges, diet and nutrition etc., an amount of ₹1,00,000/- was also allowed besides ₹11,417/- for the loss of work for one month.

The compensation which has been assessed and awarded by the Tribunal cannot be said to be excessive.

The claim of respondent No. 1 (claimant) had earlier been allowed by the Tribunal by order dated 22.11.2016, however, in the appeal preferred by the appellant thereagainst, a Coordinate Bench of this Court, in FAO No. 380 of 2017, had remanded the case to the Tribunal for a fresh decision after allowing the claimant to adduce evidence to prove the disability certificate, treatment card and other relevant medical documents by summoning the doctor/official concerned.

After the order of remand, Dr. Sukhbir Singh, Deputy Medical Superintendent, PGIMS, Rohtak had been examined as PW3. He proved the medical disability certificate as Ex. P97. He had also stated that the disability certificate had been issued by their department in the name of the claimant and

he was a member of the disability board at that time. No evidence had been led by the appellant-Company after the order of remand and, therefore, the Tribunal granted compensation in terms of the aforementioned computation.

In view of the above, it is evident that the compensation has been assessed after taking into account all the relevant factors. Respondent No. 1 (claimant) had been seriously injured in the accident. He was admitted in the PGIMER, Chandigarh and remained under treatment as an indoor patient for over one and a half months. He is suffering from mental retardation and has an IQ level of 30.

Therefore, I do not find any merit in this appeal which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

20.01.2020
Ramesh

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