

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

FAO-302-2021(O&M)

Date of decision:22.03.2021

Nazar Singh and another

.....Appellants

Versus

Jarnail Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. G.S.Verma, Advocate for the appellants

ANIL KSHETARPAL, J.

The owner and driver of the offending bus which caused the accident and injured the claimant-respondent have filed this appeal against the award passed by the Motor Accident Claims Tribunal (hereinafter referred to as 'the Tribunal'). As per the case of the claimant, when he was going on a motorcycle, the motor bus owned by the appellant no.1 had sped away after hitting him. The claimant suffered two fractures in his right leg (lower leg and upper leg i.e thigh). The claimant was admitted in hospital on the same day i.e 25.07.2017. The claimant remained hospitalized for a period of 7 days at the first stage and thereafter, for a period of 4 days after a gap of two months. The claimant lodged an FIR on 28.07.2017. The police after conducting the investigation found out that the bus owned by the appellant no.1 and driven by the appellant no.2 was involved in the accident. Learned Tribunal after appreciating the evidence of the claimant, the doctor as

well as the official from the hospital awarded a sum of Rs.4,43,700/- out of which medical expenses were awarded to the tune of Rs.2,95,635/-. Both the appellants did not appear in evidence. They did not lead any evidence to prove the pleadings that no accident took place.

The veracity of the correctness of the statement of the claimant made in the examination in chief was challenged in the cross examination but he adhered to his stand.

Learned counsel representing the appellants submits that the court has erred in awarding a sum of Rs.48,000/- towards the loss of income for a period of 6 months as the claimant remained admitted only for 11 days. He submits that the court awarded an excessive amount.

It is apparent that the claimant suffered two fractures on the right leg. He also suffered multiple wounds on right thigh, right foot, right heel and right hand. He had to undergo multiple surgeries for fixing the fracture of right thigh and right leg. External fittings had to be applied and his bones were fixed with screws. There was no union of right femur and he was again operated on 26.09.2017 when iron plates had to be fixed.

Keeping in view the aforesaid facts, learned Tribunal cannot be said to have erred in awarding Rs.48,000/- towards the loss of income, particularly, when the claimant had to remain out of action for a considerably long time.

No doubt, the Tribunal has awarded Rs.4,43,700/- however, Rs. 2,95,635/- has been awarded on account of medical expenses. The claimant has been awarded Rs.48,000/- for the loss of income and

Rs.1,00,000/- for the pain and suffering caused to him by the accident.

In such circumstances, this Bench does not find any good ground to interfere with the award passed.

Hence, dismissed.

22.03.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

(ANIL KSHETARPAL)

JUDGE