

[154] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.174 of 2009
Date of Decision :23.03.2022

Kumar Pal Garg ...Petitioner

versus

Horizon Builders Private Limited and an`otherRespondents

Coram : Hon`ble Mr. Justice B.S. Walia

Present : Ms.Kamaldeep Kaur, Advocate for
Mr. Adarsh Jain, Advocatefor the appellant.

None for respondent No.1.

Mr. Vinod Gupta, Advocate for respondent No.2/IC.

B.S. Walia, J. (Oral)

[1] Challenge in the instant appeal is to award passed by the learned Motor Accident Claims Tribunal, Faridabad, dismissing the claim petition.

[2] At the time of arguments, learned counsel for the appellant states that the award passed by the learned Accident Claims Tribunal, Faridabad is liable to be modified as the learned Tribunal failed to take into account that the appellant is liable to be awarded a sum of Rs.12,500/- under Section 161 Motor Vehicles Act, 1988 (in short ‘the Act’) on account of hit and run accident due to identity of the offending vehicle/driver of the offending vehicle being unknown.

[3] Learned counsel for respondent No.2 concedes that the claim of the appellant for payment of compensation under Section 161 Motor

[4] I have conserved the submissions of learned counsel.

[5] Section 161 (3) (b) of the Act provides for grant of fix sum of Rs.12,500/- on account of 'grievous hurt' to a person resulting from a hit and run motor accident.

[6] Learned counsel for the respondent No.2 concedes that admittedly the appellant received a 'grievous hurt' in a hit and run motor accident, consequently is entitled to receipt of payment of Rs.12,500/- in terms of Section 161(3)(b) of the Act.

[7] Learned counsel for respondent No.2 also concedes that the identity of the offending vehicle was not known and it being a case of hit and run motor accident, the appellant is entitled to compensation under Section 161 (3)(b) of the Act, whereas the claim of the appellant was wrongly considered under Section 140 of the Act.

[8] Accordingly, in the light of the position noted above, as well as statement of learned counsel for respondent No.2, the appeal is allowed. Award dated 16.10.2008 passed by the learned Motor Accident Claims Tribunal, Faridabad is *modified* and the appellant held entitled to a sum of Rs.12,500/- under Section 161(3) (b) of the Act on account of having suffered 'grievous hurt' in a hit and run motor vehicle accident.

[9] Since the appellant has been denied payment as per his legal entitlement, the same be released to him along with interest @ 6% per annum with effect from the date of petition till date of payment.

[10] Appeal *allowed* in the aforementioned terms.

(B.S. Walia)
Judge

23.03.2022
'Rajneesh'