

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

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FAO-900-2016 (O&M)
Date of decision: 23.11.2022

Shri Ram General Insurance Company LimitedAppellant

Versus

Rajbir and othersRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rakesh Dhiman, Advocate
for respondent No.1.

Mr. Ankit, Advocate for
Mr. Rajesh Lamba, Advocate
for respondents No.2 and 3.

MANJARI NEHRU KAUL, J. (ORAL)

CM-6153-CII-2022

Prayer in the application is for impleading legal representatives of respondent No.1-Rajbir who has died on 12.03.2020.

Learned counsel opposite have no objection if the application is allowed.

Accordingly, the application is allowed and the persons mentioned in para No.2 of the application are impleaded as legal representatives of respondent No.1-Rajbir.

FAO-900-2016 (O&M)

The present appeal has been filed by the insurance company to impugn the award dated 03.12.2015 passed by learned Motor Accidents Claims Tribunal, Gurgaon (for short, 'the Tribunal') wherein the following compensation was awarded to the injured

claimant on account of the injuries suffered by him in a Motor Vehicular Accident which took place on 04.12.2013:-

Sr. No.	Head	Amount
1.	Loss of current income for six months	Rs.84,000/-
2.	Loss on account of permanent disability	Rs.30,57,600/-
3.	Medical Bills	Rs.44,894/-
4.	Shock and trauma	Rs.50,000/-
5.	Transport and special diet	Rs.63,900/-
6.	Loss of amenities	Rs.1,50,000/-
	Total Compensation	Rs.34,50,394/-

The appellant company along with respondents No.2 to 4 was held jointly and severally liable to pay compensation of Rs.34,50,394/- to the injured claimant along with interest @ 9% per annum from the date of filing the claim petition till payment.

As per the pleaded case of the injured claimant, he was going from Gurgaon to Delhi on 04.12.2013 in his car. On the way, the tyre of his car got punctured and when he was putting the stepney back in the trunk of his car, the offending vehicle bearing No.RJ02 GA-3335 came in a rash and negligent manner driven by respondent No.2 and hit the injured claimant from behind. The injured claimant sustained serious injuries on his person in the said accident.

Learned counsel for the appellant insurance company submits that the compensation awarded by the Tribunal is exorbitant and thus needs to be scaled down. He submits that the Tribunal had erroneously assessed the monthly income of the injured claimant in the sum of Rs.14,000/- without there being any cogent evidence led in respect thereof. He further submits that the injured claimant was

entitled to an addition of only 25% to his income towards future prospects, however, the Tribunal yet again while assessing the compensation had awarded on the higher side contrary to the settled law.

Learned counsel appearing for respondent No.1 while controverting the submissions made by the counsel opposite, contends that the amount of compensation awarded by the learned Tribunal was in fact on the lower side and deserved to be enhanced. He submits that nature of injuries received by the injured claimant would reveal the suffering and trauma of the injured claimant, who ultimately died as a result of these injuries.

Learned counsel for the respondents No.2 and 3 has controverted the submissions made by the counsel for respondent No.1 and submitted that the impugned award does not warrant any interference of this Court.

I have heard learned counsel and perused the relevant material on record.

This Court finds no merit in the submissions made by the learned counsel for the appellant insurance company qua the income of the deceased having been assessed on the higher side. The Tribunal has rightly taken the monthly income of the injured claimant in the sum of Rs.14,000/- after taking average of his monthly earnings on the basis of the evidence led before it. Furthermore, the nature of injuries received by the injured claimant does reveal the magnitude of the pain and suffering he had to experience on account of the accident in question.

In the facts and circumstances as enumerated hereinabove

coupled with the fact that as apprised by learned counsel for the injured claimant, the injured claimant has died during the pendency of the instant appeal, this Court is not inclined to interfere with the impugned award. Accordingly, the instant appeal stands dismissed.

23.11.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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