

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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FAO-3818-2018 (O&M)
Decided on : 21.04.2022

IFFCO TOKIO General Insurance Company Limited
Versus
Ankush and others
... Appellant(s)
... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Varun Sharma, Advocate
for the appellant-Insurance Company.

None for the respondents.

MANJARI NEHRU KAUL, J. (Oral)

The instant appeal has been preferred by the Insurance Company against the award dated 20.03.2018, passed by the learned Motor Accident Claims Tribunal, Yamuna Nagar (hereinafter referred to as 'the Tribunal'), in a petition filed under Section 163-A of the Motor Vehicles Act, 1988, wherein, the following compensation in the sum of Rs. 3,47,000/-, was awarded to claimant/respondent No.1, for the injuries suffered by him in the motor vehicular accident, which took place on 07.06.2016:-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1.	Loss of Income	Rs.3000/- p.m.
2.	Annual Income	Rs.3000 x 12 = Rs. 36,000/-
3.	Annual loss of future earning	Rs.18,000/- (50% of Rs.36,000/-)
4.	Multiplier applicable with reference	18
5.	Total loss of future earning	Rs.3,24,000/-
6.	Medical expenses (i) Medicines	Rs.15,000/-
7.	Pain & suffering	Rs.5,000/-
8.	Loss of amenity for 50% functional disability	Rs.3,24,2000/-
	Total:	Rs.3,47,000/-

Learned counsel for the appellant-Insurance Company submits that tractor bearing registration No. HR-02-X-7506, was not involved in the accident in question and a false DDR involving the tractor in question had been recorded after 20 days, which went a long way to show that the claimant/respondent No.1 had colluded with the police. It has been submitted that the accident in question had taken place in a 'private place', while the tractor was being used for cultivating agricultural land. It was submitted that in the circumstances, the claim petition *qua* the appellant-Insurance Company was not maintainable, as envisaged under Section 147 of the Motor Vehicles Act, more so, since agricultural land, could not be termed as a 'public place'. He submitted that it was the admitted case that the injured-claimant was sitting on the tractor, which was being driven by respondent No.2 – Balwinder Singh, and while accelerating the said tractor, the injured-claimant slipped from the tractor and sustained injuries. It was submitted that the injured-claimant was an unauthorized occupant of the tractor and thus the company was not liable to indemnify the injured-claimant. Learned counsel further submitted that the compensation awarded to the injured-claimant was on the higher side and thus, required to be reduced.

I have heard learned counsel for the appellant-Insurance Company and perused the relevant material on record.

It is a matter of record that claimant-respondent No.1 sustained injuries including permanent disability in respect of his leg to the extent of 80% in the accident in question. The injuries sustained and the permanent disability find due corroboration from the medical evidence on record.

Further more, while stepping into the witness-box as PW-1, the

claimant/injured gave a vivid account *qua* the manner in which the accident in question occurred. Still further, no doubt the injured-claimant was not the driver of the tractor and was not engaged by the owner of the tractor in question, however, admittedly he is a close family member of the driver and owner of the tractor. It is not even disputed that the family of the injured-claimant is into agriculture and as such his presence at the relevant time, while they were cultivating their fields comes across as most natural.

Still further, the contention of the learned counsel for the appellant-Insurance Company that the amount of compensation was exorbitant, is bereft of any merit. Admittedly, on account of the injuries sustained, the leg of the injured/claimant was amputated. He remained hospitalized for long period in different hospitals. The amount of compensation awarded to the injured/claimant is in consonance with the settled law.

Consequently, the instant appeal fails and stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

April 21, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*