

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No. 4425 of 2018 (O&M)
Date of decision: 15.07.2022

PEPSU ROAD TRANSPORT CORPORATION
LUDHIANA THROUGH ITS MANAGING DIRECTOR
AND ANOTHER ...Appellants

Versus

BAHADUR SINGH AND ANOTHER ...RespondentS

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aman Sharma, Advocate
for the appellants.

Mr. Rajbir Singh, Advocate
for respondent No. 1.

ARVIND SINGH SANGWAN, J. (Oral)

This appeal is pending since 2018.

Challenge laid in this appeal is to the award dated 12.04.2018
awarded by the Motor Accident Claims Tribunal, Sangrur
(for short 'Tribunal'), vide which a compensation to the tune of
Rs. 1,27,603/- was awarded to respondent No. 1 Bahadur Singh. The
bifurcation of the said amount is as under:

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1	Medical Bills	Rs. 42,603/-
2	Pain and sufferings	Rs. 30,000/-
3	Attendant Charges	Rs. 10,000/-
4	Special diet	Rs. 10,000/-
5	Transport Charges	Rs. 10,000/-
6	Loss of earning during laid period	Rs. 5,000/-
7	Future medication	Rs. 20,000/-
	Total	Rs. 1,27,603/-

The only argument raised by learned counsel for the appellants

is that the claimant(s) has not appeared before the Tribunal and, therefore, the claim petition should have been dismissed.

Learned counsel for respondent No. 1/claimant submits that due to injury sustained by respondent No. 1/claimant, he could not appear before the Tribunal and rather his daughter Gagandeep Kaur appeared before the Tribunal as CW-2 and testified the injuries sustained by respondent No. 1, due to which, he has become disabled and is having unsound mind.

After hearing learned counsel for the parties, I find no ground to differ with the findings recorded by the Tribunal as the respondent/claimant has duly proved that on account of mental illness, he could not appear before the Tribunal, though her daughter appeared as CW-2 and proved the medical expenses and other expenses incurred on the treatment of respondent/claimant.

Accordingly, the present appeal is dismissed.

15.07.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No