

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

**FAO No. 2317 of 2018 (O&M)
DATE OF DECISION :- March 21, 2023**

Reliance General Insurance Company Ltd.

...Appellant

Versus

Sanju and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Sanjeev Kodan, Advocate for the appellant.

Mr. Vishal Khatkar, Advocate
for Mr. Sanjiv Gupta, Advocate for respondent No. 2.

Petitioner claimant Sanju, a minor aged about 16 years through his father and natural guardian Shri Ram Karan, resident of village Khewra, Tehsil and District Sonapat had filed a claim petition under Section 166 of the Motors Vehicle Act, 1988 against respondents Naveen, driver, Kavita Garg, owner and Reliance General Insurance Company, Chandigarh, insurer of Car No. DL-3CAP-7007 (hereinafter referred to as the offending Car) on the allegations that on 7.10.2014, while he along with his two friends and their father Sh. Navneet Kumar were returning to village Khewra at about 3.30 P.M. while they were in the area of near Dhan-Dhan Satguru Ashram in the meanwhile the offending Car being driven by respondent No. 1 Naveen in a rash and negligent manner hit the petitioner. Resultantly, the petitioner fell down and suffered multiple injuries on his body. He was taken to

General Hospital, Sonapat from where he was referred to PGIMS, Rohtak. His left leg was amputated rendering him permanently disabled.

According to him, he had spent Rs.4,00,000/- on transportation, treatment, attendant charges and special diet etc. He had claimed compensation of Rs.50,00,000/- from all the three respondents.

On getting notice, all the respondents appeared and contested the claim petition. Issues on merits were framed. The parties were given opportunities to lead evidence.

After hearing arguments the Motor Accident Claims Tribunal, Sonapat vide Award dated 17.3.2018 had partly accepted the claim petition and awarded compensation of Rs.10,27,600/- with interest at the rate of 7% per annum from the date of filing of claim petition till actual realization. All the three respondents were made jointly and severally liable to pay such compensation.

Finding the Award so awarded by the Tribunal on higher side, the Insurance Company has approached this Court by way of filing an appeal, notice of which was given to the respondents. However, only respondent No. 2 has turned up to offer a contest.

I have learned counsel for the parties besides going through the record.

I am of the considered view that there is no merit in the appeal. The Tribunal taking into view the facts and circumstances of the case, the age of injured as well as extent of the injuries suffered by him, further more the fact that as a result of suffering injuries in the accident, left leg of petitioner was amputated resulting in permanent disability to the extent of 60% and the fact that he would not be able to lead normal life for the rest of

his life as well as the medical expenses incurred or likely to be incurred in future quantifying the loss suffered by him due to injuries vide a detailed well reasoned Award has awarded compensation of Rs.10,27,600/- which is certainly to be not termed as excessive rather the same is just and appropriate.

I do not see any reason to reduce the compensation by allowing the appeal. The Award passed by Motor Accident Claims Tribunal, Sonapat is affirmed whereas the appeal is dismissed being without merit.

(H.S. MADAAN)
JUDGE

March 21, 2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No