

2024:PHHC:114146



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

FAO-1252-2020 (O&M)
Reserved on : 30.08.2024
Pronounced on : 03.09.2024

ROSHAN AND ANOTHER

....Appellants

VERSUS

SANJAY KUMAR

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.P. Sharma, Advocate for the appellants.

Ms. Monika Gupta, Advocate for
Mr. Sandeep Kumar Yadav, Advocate for the respondent.

ALKA SARIN, J.

CM-3412-CII-2020

1. For the reasons stated in the application, the same is allowed.

Delay of 05 days in filing the appeal is condoned.

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2. The present appeal has been preferred by the appellants i.e. the owner and the driver challenging the award dated 16.10.2019 passed by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal').

3. Brief facts relevant to the present *lis* are that the claimant-respondent herein filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of the injuries suffered by him in a vehicular accident on 28.03.2018. It was averred in the claim

petition that the claimant-respondent herein was going from Village Mundia Khera to Village Bewal on his motorcycle bearing registration No.HR-82-3949 along with one Shri Bhagwan. Shri Bhagwan was riding his motorcycle at a moderate speed by observing traffic rules. At about 8:00 pm when they reached near the house of Suresh @ Khulad Ram, Sarpanch of Village Mundia Khera, a three-wheeler (Auto) bearing registration No.HR-66-B-6983, which was being driven by appellant No.1 rashly and negligently, by coming on the wrong side of the road, hit the motorcycle. The claimant-respondent herein sustained grievous injuries while Shri Bhagwan sustained minor injuries. FIR No.110 dated 13.04.2018 was registered.

4. The appellants herein filed their written statement and claimed that no accident had taken place and that they had falsely been implicated in the present case. Income of the claimant-respondent was also denied.

5. On the basis of the pleadings of the parties the following issues were framed :

1. Whether claimant – Sanjay Kumar son of Thawar Singh sustained injuries in a road accident, which took place on 28.03.2018 at about 8:00 p.m. within the revenue estate of Village Mundia Khera near the house of Suresh, Sarpanch Mundia Khera, due to rash and negligent driving of vehicle No.HR-66-B-6983 by respondent No.1 ? OPP

2. If issue No.1 is proved in favour of claimant whether claimant is entitled for compensation, if so, how much and from whom ? OPP
3. Whether driver of the offending vehicle was not holding a valid driving license at the time of accident, if so, its effect ? OPR
4. Relief.
6. The Tribunal held appellant No.1 of being negligent and for the injuries sustained by the claimant-respondent it awarded an amount of Rs.83,719/- (rounded off to Rs.84,000) to him. Aggrieved by the same the present appeal has been preferred by the appellants i.e. the owner and the driver.
7. The learned counsel for the appellants would contend that the accident did not take place and that the amount awarded is on the higher side.
8. *Per contra*, learned counsel for claimant-respondent would contend that the Tribunal, after appreciating the entire evidence and documents on the record, has rightly held appellant No.1 of being negligent while causing the accident and accordingly has awarded just and equitable compensation.
9. Heard.
10. In the present case cogent evidence was led by the claimant-respondent to prove that the appellant No.1 herein was driving the three-wheeler (Auto) in a rash and negligent manner. The argument of the learned

counsel for the appellants that the amount awarded is in excess deserves to be rejected. The Tribunal, on the basis of the pleadings and evidence on the record, has awarded an amount of Rs.41,719/- for the medical expenses which were duly proved by evidence. Qua transportation, an amount of Rs.10,000/- has been awarded. On account of disability, an amount of Rs.12,000/- has been awarded. On account of pain and sufferings an amount of Rs.10,000/- has been awarded and on account of loss of income during the period of hospitalization, an amount of Rs.10,000/- has been awarded. Learned counsel for the appellants has not been able to convince this Court that the amount awarded is on the higher side.

11. In view of the above, I do not find any merit in the present appeal. The appeal, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

03.09.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No