



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

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**FAO-59-2007 (O&M)
Date of Decision: 21.11.2024**

Raj Kumar**...Appellant****Versus****Raj Pal and others****.....Respondents****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Ms. Sandeep Punchhi, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.3-the Insurance Company.

Mr. Chandeeep Singh, Advocate
for respondent No.5

SUDEEPTI SHARMA J. (ORAL)

1. The present appeal has been preferred against the award dated 04.08.2006 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Hisar (for short, 'the Tribunal') vide which the claim petition filed by the appellant/claimant was dismissed.

FACTS NOT IN DISPUTE

2. The brief facts of the case as mentioned in the claim petition are that on 11.01.2000, one Sukhbir Singh was driving Tata-407 truck bearing registration No. HR-20-GA-0839 owned by respondent No.4-Kanti Parkash.

The appellant/claimant-Raj Kumar was cleaner on the said truck. When they



reached near village Bahu Akbarpur, a truck chassis supporting no number plate on its way from Hisar side came on a very high speed towards Rohtak side and hit against the vehicle of the appellant/claimant. The truck chassis was being driven rashly and negligently by its driver Raj Pal. Due to the impact of the accident, the appellant/claimant suffered serious and grievous injuries including fracture. Chasis number and engine number of the offending truck were 426010 and 10L62208551, MYZ 004398 respectively and at the time of the accident the said truck was owned by respondent No.1 Raj Pal. The said truck chassis was insured with the National Insurance Company Ltd. FIR No.16 dated 12.1.2000 was registered against respondent No.1 at Police Station Sadar Rohtak regarding this accident.

3. Upon notice of the claim petition, respondents appeared and denied the factum of accident/compensation.

4. From the pleadings of the parties, the Tribunal framed the following issues:-

- 1. Whether the claimants Sukhbir and Raj Kumar had received injuries in an accident which occurred on 12.01.2002 due to rash and negligent driving of truck bearing Chasis No. 426010 and Engine No. 101.62208551 MYZ -004398 by respondent No.1 Rajpal and due to rash and negligent driving of Tata-407 No. HR-20GA/0839 by petitioner? OPP*
- 2. If issue No. 1 is proved whether the claimants are entitled to claim compensation if so to what amount and from whom? OPP*
- 3. Whether the vehicle was being driven in contravention of the terms and conditions of the Insurance Policy? OPR-3&5*
- 4. Whether the offending vehicle was not driven by the person holding a valid and effective driving license? OPR*
- 5. Whether the claim petition is filed by the claimants in collusion with respondents Nos.1 and 2 ? OPR-3&5.*



6. Relief.

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim-petition. Hence the claimant/appellant filed the present appeal for grant of compensation.

SUBMISSIONS OF THE LD. COUNSELS FOR THE PARTIES

6. The learned counsel for the appellant-claimant contends that the claim petition filed by the appellant/claimant was dismissed only on the ground that in the register maintained by doctor, the disability is mentioned to the extent of 51%, whereas in the disability certificate, it is mentioned as 40%. Therefore, he prays that the present appeal be allowed and compensation be awarded to the appellant-claimant.

7. *Per contra*, learned counsel for the respondents, vehemently argues on the lines of the award. They further contend that the award has rightly been passed. Therefore, They pray for dismissal of the present appeal.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. Relevant portion of the award passed by the Ld. Tribunal is reproduced as under:-

“16. PW-3 Sukhbir Singh petitioner deposed about the accident involving his truck registration no HR-20GA 10839 and a truck chasis in the area of village Bahu Akbarpur. PW3 Sukhbir Singh testified that he was driving Tata 407 on correct side of the road and was coming from Rohtak Side. Raj Kumar petitioner was conductor on the said Tata 407, that the truck chasis was coming from Hisar side and was being driven by its driver rashly and negligently due to which the accident took place in the area of village Bahu Akharpur. PW3 Sukhbir Singh further stated that in



the accident he received three fractures on his right leg, two fractures on his left leg one fractures on nose and also received injuries on other parts of his body 'that he and Raj Kumar were taken to PGIMS Rohtak by the passers bye and they remained there for one day and thereafter they were shifted to Arora Orthopaedic Hospital Hisar where the remained admitted for one month. PW3 Sukhbir Singh further stated that he spent about Rs.1,50,000/- on his treatment.

17. PW4 Raj Kumar cleaner of Tata-407 also supported his claim and deposed on the same lines on which PW3 Sukhbir Singh petitioner deposed and stated that he remained admitted in PGIMS Rohtak for one day and was then shifted to Arora Hospital, Hisar where he remained hospitalized for 16 days.

18. RW-1 Raj Pal respondent driver offending chasis deposed about the accident of the and stated that the accident had taken place in his attempt to save a coming car which was chasis from behind and overtook and side left from his suddenly applied brakes RW1 Rajpal further stated that the Tata vehicle coming from the opposite side was being driven at a fast speed and hit into the chasis RW1 Raj Pal further stated that the accident had taken place due to rash and negligent driving Tata 407 by its driver. During cross examination RW1 Raj Pal admitted that he did not receive any injury in the accident that he was arrested at the place of the accident that criminal case has been registered against him and that he is facing criminal trial regarding this accident before the judicial magistrate, Rohtak. The fact that respondent Raj Pal has been challaned and is facing trial for causing this accident coupled with positive statements of PW3 Sukhbir Singh driver and PW4 Raj Kumar cleaner of Tata-407 leave no room for any doubt and an such I have no hesitation in holding that the accident had taken place due to rash and negligent driving of the truck chasis by respondent no.1 Rajpal.



19. RW2 Kanti Parkash owner of Tata-407 testified that Sukhbir Singh was his driver and Rajkumar was cleaner at the time of the accident and that the accident had taken place due to rash and negligent driving of truck chasis by its driver.

20. The said chasis bearing registration No 426010 Engine no 10L62208551 MYZ-004398 was being driven by respondent no.1 Rajpal during the course of his employment under respondent no.2 Sanjay Kumar and was insured with respondent no.3 National Insurance Company Ltd. from 11.1.02 to 10.1.03. The accident had taken place on 12.1.02 and thus on the date of the accident, the said chasis had a valid insurance cover.

“21 PW1 Dr.Ashok Arora testified that patient Raj Kumar remained under his treatment and was diagnosed for fracture of lateral condyla right upper fibia with multiple injuries with fracture scaphoid left without flexor tendon right index finger. PW1 Ashok Arora testified that the patient was operated upon and fracture of the tibia was fixed with two compression screws and right index finger was repaired and POP was applied and that the patient was discharged on 28.1.02. PW1 Dr.Ashok Arora proved Ex. P1 receipt regarding charging of Rs 9000/-from patient Rajkumar and stated that charges of medicines, implants and investigation were extra and in this regard, PW1 Dr.Ashok Arora proved bill Ex. P2 to Ex.P39 PW1 Dr Ashok Arora also proved discharge and E.xP40 and OPD slips ExP41 and Ex. P42.

22. PW2 Dr.Joginder Kapoor proved Ex. P139 disability certificate in respect of petitioner Raj Kumar and stated that the patient suffered disability to the extent of 40% as a result of post traumatic stiffness of right knee and lower limb. PW4 Rajkumar was aged about 22 yrs at the time of accident and he remained hospitalised for 16/17 days and a sum of Rs 60,000/- was spent by him on his treatment on account of medicines, clinical tests,



implants, investigation etc. During cross examination PW2 Dr.Joginder Kapoor stated that in his Disability Register, examination of Raj Kuamr was entered at Sr.No 7700 and disability was shown therein as 51% in figures and words In Ex. P139 disability certificate proved by PW2 Dr.Joginder Kapoor disability is described as 40% in figure and words.

23. Ex.R1 is photocopy of disability register and it shows that Raj Kumar son of Balwan resident of village Satrod Kalan was examined and entry thereabout is made at sr.no 7700 and disability due to post traumatic stiffness of right leg is described as 51% in figure s and words.Overwriting is visible with naked eye and 10% disability has been made as 51% in words and figure.

24. Although PW2 Dr.Joginder Kapoor denied the suggestion that assessment of disability of petitioner Rajkumar was not supported by disability register yet the fact remains that in the register, disability is described as 51% whereas in the certificate, disability is described as 40% The two documents do not go well in evidence. Apart from it in the disability register and disability certificate only post traumatic stiffness of right limb is mentioned. Degree of stiffness has not been described and it is evident that disability has been made as 51% by over writing. It is a serious matter and cannot be ignored. Disability register and disability certificate have been forged and the certificate has been produced in evidence for which petitioner Raj Kumar Dr.Joginder Kapoor as also custodian of the record in General Hospital, Hisar are liable to be prosecuted.

25. Testimony of Raj Kumar, petitioner as to the expenses incurred by him on his treatment cannot be accepted in view of serious misconduct of forever and i hold Raj Kumar, petitioner to be an altogether unreliable witness. For this forgery in my opinion, he is not entitled to any compensation.

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31. These issues have not been pressed before me during the course of arguments nor any evidence has been adduced thereon



by the respondents and therefore, I answer these issues against the respondents No 1 to 3. ”

10. A perusal of the record shows that the Ld. Tribunal has decided issue No.1 in favour of the appellant and the factum of accident due to rash and negligent driving of respondent has been accepted by the Ld. Tribunal and it has been held that accident took place due to rash and negligent driving of Truck Chasis by respondent No.1-Raj Pal. The compensation was denied to the appellant on the ground that he committed forgery in the register maintained by doctor.

11. A perusal of the record shows that Dr. Ashok Arora was examined as PW-1 who testified that patient Raj Kumar remained under his treatment and was diagnosed for fracture of lateral condyle right upper fibia with multiple injuries with fracture, scaphoid left without flexor tendon right index finger. He further stated that Raj Kumar appellant was operated upon and fracture of the tibia was fixed with two compression screws and right index finger was repaired and POP was applied and the patient was discharged on 28.01.2002. He proved on record the receipt Ex. P-1 and bills Ex.P-2 to P-39. He also proved on record discharge slip Ex.P-40 and OPD slips as Ex.P-41 and P-42.

12. Dr. Joginder Kapoor was examined as PW-2 who proved disability certificate as Ex.P-139 in respect of appellant-Raj Kumar and stated that he suffered disability to the extent of 40% as a result of post traumatic stiffness of right knee and lower limb. He brought the register maintained for recording examination of the patients with respect to disability wherein at Sr. No.7700, the disability of Raj Kumar was shown as 51% in figures and words.



13. The reasoning given by the Ld. Tribunal that it is the appellant who has made over-writing in the disability register is not acceptable to this Court since disability register was in the possession of the doctor and in the register disability was 51%, whereas in the disability certificate, it was mentioned to be 40%. Therefore, if the appellant had to forge the document, he would have forged the disability certificate increasing it from 40% to 51%, otherwise also the appellant would not be responsible for the over-writing in the register maintained by the doctors, which is admittedly in the possession of the doctors.

14. The evidence regarding the fracture and surgery of the appellant is on record and proved by both the doctors who were examined and cross-examined. Therefore, by accusing the appellant of forgery in the register which is maintained and is in the possession of the doctors would not amount to apprehension of forged evidence on record in right perspective. Therefore, reasoning given by the Ld. Tribunal in not granting compensation to the appellant is not acceptable to this Court.

15. On the touchstone of hearinabove discussed findings and judicial precedent, the award dated 04.08.2006 passed by Ld. Tribunal, Hisar stands vitiated by a complete absence of application of judicial mind.

16. With respect to determination of compensation, the record contains evidence of hospital admission, the claimant's earning and expenses incurred for medical treatment and hospitalization. Consequently, this Court shall adjudicate the compensation in accordance with the documented evidence on the record.



SETTLED LAW ON COMPENSATION

17. Hon'ble Supreme Court has settled the law regarding grant of compensation with respect to the disability. The Apex Court in the case of **Raj Kumar Vs. Ajay Kumar and Another (2011) 1 Supreme Court Cases 343**, has held as under:-

General principles relating to compensation in injury cases

5. *The provision of the Motor Vehicles Act, 1988 ('Act' for short) makes it clear that the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The court or tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury. This means that he is to be compensated for his inability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed but for the injuries, and his inability to earn as much as he used to earn or could have earned. (See C.K. Subramonia Iyer v. T. Kunhikuttan Nair, AIR 1970 Supreme Court 376, R.D. Hattangadi v. Pest Control (India) Ltd., 1995 (1) SCC 551 and Baker v. Willoughby, 1970 AC 467).*

6. *The heads under which compensation is awarded in personal injury cases are the following :*

Pecuniary damages (Special Damages)

(i) *Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.*

(ii) *Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising :*

(a) *Loss of earning during the period of treatment;*

(b) *Loss of future earnings on account of permanent disability.*

(iii) *Future medical expenses. Non-pecuniary damages (General Damages)*

(iv) *Damages for pain, suffering and trauma as a consequence of the injuries.*

(v) *Loss of amenities (and/or loss of prospects of marriage).*

(vi) *Loss of expectation of life (shortening of normal longevity).*

In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under



any of the heads (ii)(b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

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19. We may now summarise the principles discussed above :

(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.

(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).

(iii) The doctor who treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.

(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.

20. The assessment of loss of future earnings is explained below with reference to the following

Illustration 'A' : The injured, a workman, was aged 30 years and earning Rs. 3000/- per month at the time of accident. As per Doctor's evidence, the permanent disability of the limb as a consequence of the injury was 60% and the consequential permanent disability to the person was quantified at 30%. The loss of earning capacity is however assessed by the Tribunal as 15% on the basis of evidence, because the claimant is continued in employment, but in a lower grade. Calculation of compensation will be as follows:

a) Annual income before the accident : Rs. 36,000/-.

b) Loss of future earning per annum

(15% of the prior annual income) : Rs. 5400/-.

c) Multiplier applicable with reference to age : 17

d) Loss of future earnings : (5400 x 17) : Rs. 91,800/-

Illustration 'B' : The injured was a driver aged 30 years, earning Rs. 3000/- per month. His hand is amputated and his permanent disability is assessed at 60%. He was terminated from his job as he could no longer drive. His chances of getting any other employment was bleak and even if he got any job, the salary was likely to be a pittance. The Tribunal therefore assessed his loss of future earning capacity as 75%. Calculation of compensation will be as follows :

a) Annual income prior to the accident : Rs. 36,000/- .



- b) Loss of future earning per annum
(75% of the prior annual income) : Rs. 27000/-.
- c) Multiplier applicable with reference to age : 17
- d) Loss of future earnings : (27000×17) : Rs. 4,59,000/-

Illustration 'C' : The injured was 25 years and a final year Engineering student. As a result of the accident, he was in coma for two months, his right hand was amputated and vision was affected. The permanent disablement was assessed as 70%. As the injured was incapacitated to pursue his chosen career and as he required the assistance of a servant throughout his life, the loss of future earning capacity was also assessed as 70%. The calculation of compensation will be as follows :

- a) Minimum annual income he would have got if had been employed as an Engineer : Rs. 60,000/-
- b) Loss of future earning per annum
(70% of the expected annual income) : Rs. 42000/-
- c) Multiplier applicable (25 years) : 18
- d) Loss of future earnings : (42000×18) : Rs. 7,56,000/-

[Note : The figures adopted in illustrations (A) and (B) are hypothetical. The figures in Illustration (C) however are based on actuals taken from the decision in Arvind Kumar Mishra (supra)].

18. Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.** [(2017) 16 SCC 680] has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

- (A) Deduction of personal and living expenses to determine multiplicand;
- (B) Selection of multiplier depending on age of deceased;
- (C) Age of deceased on basis for applying multiplier;
- (D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;
- (E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

“ Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three



years. We are disposed to hold so because that will bring in consistency in respect of those heads.”

19. Hon’ble Supreme Court in the case of **Erudhaya Priya Vs. State Express Tran. Corpn. Ltd.** 2020 ACJ 2159, has held as under:-

“ 7. There are three aspects which are required to be examined by us:

(a) the application of multiplier of '17' instead of '18';

The aforesaid increase of multiplier is sought on the basis of age of the appellant as 23 years relying on the judgment in National Insurance Company Limited v. Pranay Sethi and Others, 2017 ACJ 2700 (SC). In para 46 of the said judgment, the Constitution Bench effectively affirmed the multiplier method to be used as mentioned in the table in the case of Sarla Verma (Smt) and Others v. Delhi Transport Corporation and Another, 2009 ACJ 1298 (SC) . In the age group of 15-25 years, the multiplier has to be '18' along with factoring in the extent of disability.

The aforesaid position is not really disputed by learned counsel for the respondent State Corporation and, thus, we come to the conclusion that the multiplier to be applied in the case of the appellant has to be '18' and not '17'.

(b) Loss of earning capacity of the appellant with permanent disability of 31.1%

In respect of the aforesaid, the appellant has claimed compensation on what is stated to be the settled principle set out in Jagdish v. Mohan & Others, 2018 ACJ 1011 (SC) and Sandeep Khanuja v. Atul Dande & Another, 2017 ACJ 979 (SC). We extract below the principle set out in the Jagdish (supra) in para 8:

"8. In assessing the compensation payable the settled principles need to be borne in mind. A victim who suffers a permanent or temporary disability occasioned by an accident is entitled to the award of compensation. The award of compensation must cover among others, the following aspects:

- (i) Pain, suffering and trauma resulting from the accident;*
- (ii) Loss of income including future income;*
- (iii) The inability of the victim to lead a normal life together with its amenities;*
- (iv) Medical expenses including those that the victim may be required to undertake in future; and*
- (v) Loss of expectation of life."*

[emphasis supplied]

The aforesaid principle has also been emphasized in an earlier judgment, i.e. the Sandeep Khanuja case (supra) opining that the multiplier method was logically sound and legally well



established to quantify the loss of income as a result of death or permanent disability suffered in an accident.

In the factual contours of the present case, if we examine the disability certificate, it shows the admission/hospitalization on 8 occasions for various number of days over 1½ years from August 2011 to January 2013. The nature of injuries had been set out as under:

"Nature of injury:

- (i) compound fracture shaft left humerus*
- (ii) fracture both bones left forearm*
- (iii) compound fracture both bones right forearm*
- (iv) fracture 3rd, 4th & 5th metacarpals right hand*
- (v) subtrochanteric fracture right femur*
- (vi) fracture shaft femur*
- (vii) fracture both bones left leg*

We have also perused the photographs annexed to the petition showing the current physical state of the appellant, though it is stated by learned counsel for the respondent State Corporation that the same was not on record in the trial court. Be that as it may, this is the position even after treatment and the nature of injuries itself show their extent. Further, it has been opined in para 13 of Sandeep Khanuja case (supra) that while applying the multiplier method, future prospects on advancement in life and career are also to be taken into consideration.

We are, thus, unequivocally of the view that there is merit in the contention of the appellant and the aforesaid principles with regard to future prospects must also be applied in the case of the appellant taking the permanent disability as 31.1%. The quantification of the same on the basis of the judgment in National Insurance Co. Ltd. case (supra), more specifically para 61(iii), considering the age of the appellant, would be 50% of the actual salary in the present case.

(c) The third and the last aspect is the interest rate claimed as 12%

In respect of the aforesaid, the appellant has watered down the interest rate during the course of hearing to 9% in view of the judicial pronouncements including in the Jagdish's case (supra). On this aspect, once again, there was no serious dispute raised by the learned counsel for the respondent once the claim was confined to 9% in line with the interest rates applied by this Court.

CONCLUSION

8. The result of the aforesaid is that relying on the settled principles, the calculation of compensation by the appellant, as set out in para 5 of the synopsis, would have to be adopted as follows:

<i>Heads</i>	<i>Awarded</i>
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<i>Loss of earning power (Rs.14,648 x 12 x 31.1/100</i>	<i>Rs. 9,81,978/-</i>
<i>Future prospects (50 per cent addition)</i>	<i>Rs.4,90,989/-</i>
<i>Medical expenses including transport charges, nourishment, etc.</i>	<i>Rs.18,46,864/-</i>
<i>Loss of matrimonial prospects</i>	<i>Rs.5,00,000/-</i>
<i>Loss of comfort, loss of amenities and mental agony</i>	<i>Rs.1,50,000/-</i>
<i>Pain and suffering</i>	<i>Rs.2,00,000/-</i>
<i>Total</i>	<i>Rs.41,69,831/-</i>

The appellant would, thus, be entitled to the compensation of Rs. 41,69,831/- as claimed along with simple interest at the rate of 9% per annum from the date of application till the date of payment.

RELIEF

20. In view of the above referred judgments, the present appeal is **allowed** and award dated 04.08.2006 is set aside. Accordingly, as per the settled principles of law as laid down by Hon’ble Supreme Court as mentioned above, the appellant-claimant is held entitled to compensation amount as calculated below:

Sr. No.	Heads	Compensation Awarded
1.	Income	Rs.2000/-
2.	Future Prospects 40%	Rs.800 (40% of 2000)
3.	Annual Income	Rs.33,600/-(2800X12)
4.	Loss of future earning per annum 40% disability	Rs.13,340 (33600X 40%)
5.	Multiplier 18	Rs.2,41,920 (13,440 X 18)
6.	Pain and sufferings	Rs.1,00,000/-
7.	Medical	Rs.50,000/-
8.	Loss of amenities of life	Rs.75,000/-



9.	Special diet	Rs.25,000/-
10.	Attendant Charges	Rs.30,000/-
11.	Transportation charges	Rs.20,000/-
	Total Compensation	Rs.5,41,920/-

21. So far as the interest part is concerned, as held by Hon’ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma** 2019 ACJ 3176 and **R.Valli and Others VS. Tamil Nadu State Transport Corporation** (2022) 5 Supreme Court Cases 107, the amount so calculated shall carry an interest @ 9% per annum from the date of filing of the claim petition, till the date of realization.

22. Respondent-Insurance Company is directed to deposit the amount of compensation alongwith interest with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is directed to disburse the same to the appellant-claimant in his bank account. The appellant-claimant is directed to furnish his bank account details to the Tribunal.

23. The Insurance Company is also directed to disburse the current scheduled fees to Mr. Vinod Gupta, Advocate, who is engaged in this case, within a period of ten days from the date of receipt of the copy of this judgment.

24. Vide order dated 05.09.2024, passed by this Court, this Court directed SMO, Hisar to constitute a Board of Doctors to medically examine appellant-Raj Kumar son of Balwan Singh, VPO Satrod Kalan, Tehsil and District, Hisar to assess his disability within a period of 15 days from the receipt of copy of this order. This Court received no report from the SMO,



Hisar regarding the constitution of the Board or any date which is given to the appellant to appear before the Board.

25. No report regarding constitution of the Board or notice to the appellant to appear before the Board is sent by SMO, Hisar. This shows casual behaviour of SMO, Hisar regarding the compliance of directions of the Court. It is very unfortunate that the order of this Court is totally ignored.

26. Director Health Services, Haryana is directed to look into the matter and send a report to this Court as to why no report or explanation is sent by SMO, Hisar to this Court regarding non-examination of the appellant, when vide order dated 05.09.2024, SMO was directed to constitute a Board of Doctors to medically examine appellant-Raj Kumar within a period of 15 days from the receipt of copy of order. Registry was directed to send copy of the order to the SMO, Hisar, whereupon, the Registry of this Court sent intimation to SMO, Hisar on 24.09.2024 and reported that no report/information from the concerned SMO was received, till today.

27. After enquiring into the matter, Director Health Services, Haryana is further directed to submit the explanation before this Court within 15 days from the receipt of copy of this order.

28. Disposed of accordingly.

29. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

November 21, 2024
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Whether speaking/non-speaking : Speaking
Whether reportable : Yes