



CR-881-2008 (O&M)

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

**CR-881-2008 (O&M)
Date of Decision: 26.03.2025**

National Insurance Company Limited

.....Petitioner

Vs.

Om Parkash Punia and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. D.P.Gupta, Advocate,
for the petitioner-Insurance Company.

None for respondent No.1.

Mr. Jayant Yadav, Advocate, for
Mr. P.R.Yadav, Advocate,
for respondent No.3.

Mr. Sandeep Kumar Yadav, Advocate,
for respondents No.4 to 7.

SUDEEPTI SHARMA J.

1. The petitioner-Insurance Company has filed this revision petition under Article 227 of the Constitution of India for setting aside the award dated 27.02.2007 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, (Fast Track Court), Rewari (for short, 'the Tribunal'), whereby, the petitioner-Insurance Company as well as respondents No.2 to 7 were held liable jointly and severally to pay the compensation to claimant/respondent No.1.



2. Learned counsel for the petitioner-Insurance Company contends that the learned Tribunal erred in directing the petitioner-Insurance Company as well as respondents No.2 to 7 jointly and severally to pay the compensation to the tune of Rs.5,000/- to respondent No.1/claimant.

3. There is no representation on behalf of respondent No.1/claimant.

4. I have heard learned counsel for the petitioner-Insurance Company and perused the whole record of this case.

5. The relevant portion of the award are reproduced as under:-

“28. Om Parkash is another victim of this accident. He sustained multiple injuries on his person in this accident. He appearing as PW1 in his sworn affidavit Ex.PW1/A filed by way of evidence stated that he was taken in Civil Hospital, Rewari and got admitted. He remained there for three days. He spent Rs.60,000/- on his treatment and diet etc. He used to run a dairy farm and earn Rs.3,000/- a month. Because of this accident, he could not carry on his work and suffered huge loss.

29. Dr. Rajesh Batra while appearing as PW2 stated that on 30.8.2003, he medicolegally examined Om Parkash and found the injuries which have been detailed in the copy of the MLR Ex. PW 2/1.

30. Petitioner alleged that he spent Rs.60,000/- on his treatment etc. No evidence whatsoever was produced by him to prove it. No medical bills etc. were placed on the record by him. Even, he has not disclosed as to how and on what he spent this amount. He stated that he remained admitted in the hospital for three days. But again produced nothing to prove it. No certificate was produced. With the minor injuries which the



petitioner sustained, it is unbelievable that he was kept in the hospital for three days. The claim of the petitioner is vague, wild and without any evidence. It, therefore, cannot be held that the petitioner spent Rs.60,000/- on his treatment etc. Thus, taking into consideration, the nature of the injuries petitioner suffered, facts and circumstances of the case, award a sum of Rs.5,000/- as compensation to petitioner Om Parkash in claim petition No.9 dated 24.12.2003/7.2.2007.”

6. A perusal of the impugned award reveals that the occurrence of the accident in question stands duly established. Moreover, the learned Tribunal has rightly attributed liability on respondent No.2 (driver) for causing the accident in question. The evidence on record further substantiates that the PW1-Om Parkash sustained injuries as a direct consequence of the accident. The fact is corroborated by the deposition of Dr. Rajesh Batra, who appeared as PW2 and testified that he conducted the medico-legal examination of the injured-Om Parkash on 30.08.2003. The nature and extent of the injuries have been duly recorded in the medico-legal report, which stands proved on record as Ex. PW2/1. In view of these findings, the learned Tribunal proceeded to award a sum of Rs.5,000/- as just and reasonable compensation, considering the nature and extent of the injuries.

7. Be that as it may, this Court is of the view that the compensation awarded by the learned Tribunal is nominal. Given the meager amount involved, this Court does not find any error or infirmity in the impugned award. Accordingly, the present civil revision petition stands



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dismissed.

8. Petitioner-Insurance Company is hereby directed to disburse the current scheduled fee to Mr. D.P.Gupta, Advocate, pursuant to the order dated 18.07.2024 passed by this Court in FAO-1682-2007 within a period of 20 days from the date of receipt of the copy of this judgment.

9. Pending applications, if any, stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

26.03.2025

Virrendra

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No