



3. Learned counsel for the appellant-Insurance Company submits that the Impugned Award deserves to be set aside as the offending vehicle was not even involved in the accident dated 7.10.2012. It is submitted that this is established from the fact that the date of accident is 07.10.2012 at 6.30 pm, whereas FIR was registered one day thereafter i.e. on 08.10.2012 at 00.15 hours. No explanation has been given for this delay in registration of FIR. It is further submitted that FIR was registered on the statement made by claimant Ashok, who is one of the persons injured in the said accident. In the FIR, it is mentioned that the offending vehicle 'looked like Tavera'. It is contended that therefore, offending vehicle was not clearly and positively identified by the complainant with any degree of certainty as Tavera. In fact, FIR had been registered against unknown vehicle and unknown person. It is accordingly contended that the very involvement of the offending vehicle in the accident in question is doubtful.

4. Learned counsel further submits that challenge is also laid to the quantum of compensation. It is submitted that income of the deceased has been taken on the higher side as Rs. 6,000/- per month. Learned counsel contends that as per the relevant notification income of the deceased ought to have been taken as Rs.4967/-. It is accordingly prayed that the present appeal be allowed, and the impugned Award be set aside/modified.

5. No other argument is made on behalf of the appellant.

6. I have heard ld. counsel and perused the file in detail. I find no merit in the submissions made on behalf of the appellant-Insurance Company.

The facts pleaded in the claim petition, and as recorded by the ld. Tribunal in the impugned Award, are as under:



“Conspectus of the petition, arise from an accident having taken place on dated 7.10.2012, when three persons (Rajesh, Ashok and Umed Singh) were returning from agricultural fields of village Dharana. At about 6.30 PM, when they were talking to each other by standing on one side of the road, a Tavera vehicle bearing registration no. HR-46B-8587 came driven by the respondent no. 1, in a rash and negligent manner and at high speed from the side of village Dharana and hit into them (the three persons above), by coming on the wrong side of the road. Result was death of Umed Singh and serious bodily injuries to Ashok and Rajesh.”

7. Firstly, the involvement of the offending vehicle has been questioned by the appellant. Admittedly, FIR was registered on the basis of statement made by eyewitness Ashok/claimant/respondent no.1 herein, who was also an injured in the accident in question. The argument of the appellant that complainant had only stated that the ‘*offending vehicle looked like a Tavera*’ is untenable as, it is not denied by the counsel for the appellant that complainant Ashok in a supplementary statement made to the concerned authorities only two days after the accident, on 09.10.2012 itself, had informed regarding the name and identity of respondent No.2 and had also given the number of offending vehicle. Further during cross-examination being conducted by the appellant, PW-5 Ashok had stated that he had noted down the registration number of the offending vehicle just after the accident and had disclosed the same to the police at the time of recording his statement on 09.10.2012. No controverting suggestion was put by the appellant to PW-5 in this regard. I refer to para 19 of the impugned Award, which reads as follows:



“19. He has further answered to a question during cross-examination by respondent no.3-side, that he had noted down the registration no. of the offending vehicle, just after the accident and disclosed the same to the police, at the time of recording of his statement on dt. 09.10.2012. No controverting suggestion was put to PW5 Ashok Kumar, on this aspect. It is categoric to remind that after the accident, this witness was in better state, than that of the other two persons (PW9 Rajesh and Umed Singh, since deceased). As such, his version that he was able to note down the registration number of the offending vehicle, has to be believed. Apart from that, the police carried out thorough investigation and filed the Final Report under Section 173 CrPC (Ex.P25), which duly finds mention of the fact that sufficient evidence was collected against the present respondent no.1 (as accused in criminal case), on the basis of which, he was then arrested. Besides that, the Tavera Vehicle No.HR-46B-8587 was also taken into custody by the police and after mechanical inspection, the same was released on superdari, vide the Order Ex.P28, read with Ex.P27. This fact can also be derived from the Final Report Ex.P25.

8. Besides the above, there is other evidence on record in the form of the oral depositions of PW5 Ashok Kumar, PW9 Rajesh Kumar, and PW6 Pradeep Kumar, supported by the contents of the Final Report Ex. P25, the Charge-sheet Ex. P26, which further established that the claimant had sustained serious injuries in the accident in question due to the rash and negligent driving of the offending vehicle by the respondent no.2. As such, the argument of the appellant that the offending vehicle was not involved in the accident in question is rejected.

9. It has next been contended by learned counsel for the appellant that income of the claimant has been taken on the higher side as Rs.6,000/-. It was the pleaded case of the claimant before the Tribunal that he owned and possessed agricultural land. However, as no proof of ownership or possession of agricultural land was produced by the claimant, Tribunal had taken claimant



to be a skilled labourer and as per the instructions of the Financial Commissioner, Government of Haryana, income of the claimant was determined as Rs.6,000/- per month. It has been contended by Ld. Counsel that income of the deceased ought to have been taken as Rs. 4967/- as per the minimum wages prevailing at that time. However, no relevant Notification in this regard has been produced by the learned counsel. In this view of the matter, I find no error in the income assessed by the learned Tribunal as ₹6000/- per month. Learned Tribunal had further made an addition of 30% towards future prospects thereby calculating monthly income to be Rs.7800.

10. Further, claimant/respondent No.1 had suffered multiple injuries on his person and had received serious injury on his right hand, which had to be operated upon. The claimant had also been rendered permanently disabled. It was the claim of the claimant that he had spent approximately ₹2 lakhs on his treatment as he had remained under treatment for approximately 14-15 months and had suffered loss of income of up to ₹5 lakhs during this period.

11. However, as per the final report Ex.P-25, chargesheet Ex P-26 and depositions of PW-5, it was proved that claimant Ashok Kumar had received serious injuries in the accident dated 07.10.2012. As per the Disability Certificate Ex.P-1, which was proved by Dr. Himanshu, PW-1, claimant had suffered permanent disability in his right forelimb to the extent of 15%. Accordingly learned Tribunal had correctly taken monthly loss of income to the extent of 10%. Claimant had produced medical bills for an amount of Rs.26,000/- which were duly awarded by the learned Tribunal. Accordingly learned Tribunal had awarded total compensation of Rs.4,16,000/-, as under:



<i>Loss of income(during the treatment period -</i>	-	7800 x 6=46800
<i>Loss of further income</i>	-	1,60,000
<i>Medical expenses</i>	-	26000 (rounded of for Ex. P2 and Ex. P6)
<i>Pain and suffering</i>	-	2,00,000/-
<i>Operation Trauma</i>	-	50,000/-
<i>Transportation charges, attendant charges,</i>		
<i>Special diet etc.</i>	-	35,000/-
<i>Total</i>	-	<u>4,16,800/-</u>

12. I find no error in the Award passed by the learned Tribunal.
13. The present appeal filed by the Insurance Company is **dismissed**.
Pending applications, if any, stand disposed of.

(NIDHI GUPTA)
JUDGE

05.08.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No