GROUNDS OF APPEAL

The claimants ,being the legal hears of deceased Ram Kumar have filed the present petition under section 166 of motor Vehicle Act seeking compensation to the tune of Rs. 25,0000/- on account of death of Ram Kumar in a motor vehicular accident.

1. That the present appeal is being filed by the appellants against the Award dated 5.12.2014 passed by the MACT Jind, whereby awarded total sum of Rs.8,54,000 as compensation.

2. That the impugned award 5.12.201 passed by the Ld. MACT,

Jind is totally against the various decision of the Hon,ble Supreme Court, facts circumstances and evidence of the case inter-alia on the aspects decided the issues of dependency, multiplier, future prospects and income, conventional head and awarded the compensation in this regard only of Rs. 8,54,000/- instead of Rs. 20,00,000 , which is also against the settled principal of law of Hon,ble Supreme Court in various cases i.e. Rajesh v/s Rajbir Singh ,2013(3) RCR 170 Vimal Kanwar v/s Kishor Dan ,2013 (2) RCR 945 Sarla Verma Case 2009(3) RCR 77 , Smt Neeta Case 2015 (1) RCR 625 and latest judgment passed in Pranay Sethi case 2017 ACJ 2700 and various heads and same is liable to be modified

1. That the Ld. Court below not considered the proper income of the deceased Ld. Court below considered the income of the deceased only Rs. 6000 per month instead 0f Rs.15000/- because deceased was working as mason and was earning Rs.500/- daily besides this he used to look after the entire family and even cattles which is proved in evidence and certificate Ex.PW-2/A which is issued by the Gram Panchayat and Numberdar of the village .
2. That Ld. Tribunal not considered the future prospects of the deceased that the victim could have had future prospects with regard to the amounts the victim used to earn during his life time .
3. That the Ld. Tribunal further committed erred while not properly considered regarding loss of love ,care and guidance to the children , should have been awarded under such head, that is , for Rs. ONE LAKH each of the children instead of Rs. 50,000/-.

7. That the Ld. Court below have erred in awarding the interest at the rate of 8% p.a. on the compensation instead of 9% p.a. awarded by them to the appellants without following the decision of the Hon,ble Supreme Court in Municipal Corporation Delhi v/s Uphaar tragedy Victims Association 2012(3) RCR (Civil 203.

PRAYER

It is, therefore, respectfully prayed that this appeal may kindly be accepted and the impugned Award dated 5.12.2014 be modified and the total amount of compensation be enhanced to Rs. 25 Lecs as claimed in the claim petition in view of the interest of justice.

It is further prayed that the appellants may kindly

be exempted from filing the true typed copy of award which is

legible and readable.

CHANDIGARH (SURESH AHLAWAT)

ADVOCATE

DT. 9.3.2015 COUNSEL FOR THE APPELLANTs

IN THE HIGH COURT FOR THE STATES OF PANJAB AND HARYANA AT CHANDIGARH

C.M.NO.------ of 2010

IN

F.A.O. NO. OF 2010

Smt. Birmati Davi and Another -------Appellant

Versus

Somvir and Others ---------Respondents

Application u|s 5 of the Limitation Act read with section 151 CPC for condo nation of 129 days in filling the accompanying FAO.

Respectfully Showeth,

1. That the appellant is filling the present appeal before this Hon,ble High Court, which is at the most likely to be accepted on the grounds mentioned therein.

2. That the delay of days in filling the appeal has occurred because the appellant is a poor and rustic agriculturist and could not arrange the money within time and payment of compensation was also received by him lately. After receiving the same, he contacted the counsel for filing the appeal. Moreover, appellants are not well acquainted with the technicalities of legal process i.e. limitation.

3. That the delay of days in filling the appeal is not intentional or deliberate but due to the reasons mentioned above.

It is , therefore, most respectfully prayed that delay of days in filling the FAO may kindly be condoned in the interest of justice.

NOTE: Affidavit is attached.

PLACE: Chandigarh SURESH AHLAWAT,ADVOCATE

DT. 05.12.2010 COUNSEL FOR APPELLANTS

IN THE HIGH COURT FOR THE STATES OF PANJAB AND HARYANA AT CHANDIGARH

C.M.NO.------ of 2010

IN

F.A.O. NO. OF 2010

Smt. Birmati Davi and Another -------Appellant s

Versus

Somvir and Others ---------Respondents

Affidavit of Ajad Singh son of Sh Dhulia Ram resident of village Bhag-Khera Tehsil Safido, District Jind

I, above named deponent do hereby solemnly affirm and declare as under:

1. That the deponent is filling the present appeal before this Hon,ble High Court, which is most likely to be accepted on the grounds mentioned therein.

2. That the delay of days in filling the appeal has occurred because the appellants are poor and rustic agriculturist and could not arrange the money within time and payment of compensation was also received by him lately. After receiving the same, he contacted the counsel for filing the appeal. Moreover, appellants are not well acquainted with the technicalities of legal process i.e. limitation.

3 That the delay of days in filling the appeal is not intentional or deliberate but due to the reasons mentioned above.

Chandigarh:

Dt.

Verification: Verified that the contents of my aforesaid affidavit are true and correct to my knowledge and belief. No part of it, is false and nothing has been concealed there from.

GROUNDS OF APPEAL

1. That the present appeal is being filed by the appellant against the Award dated 4.5.2010 passed by the MACT Jind, whereby awarded a sum of Rs.2,03,000 as compensation, which is in on the lower side , inadequate and it should be enhanced.

2. That the ld. Tribunal had failed to appreciate the permanent disability of the appellant. His right leg has been amputated and he become permanent handicapped. The disability of the appellant is assessed by the Medical Board up to 50% on account of his right leg has been amputated in operation He has been awarded a sum of Rs.1 lac only on this account, which is vary on lower side. The appellant had to spent Rs. 1.50,000/-on treatment and he remained admitted in PGHIS Rohtak w.e.f. 10-12-07 to 20-12-07 but Ld. MACT not given any signal penny in this regard . Due to this disability, the appellant would not be in a position to do any work and earn his livelihood for his family. The age of the appellant is 50 years. Therefore he would need an attendant. But no amount has been granted on this aspect. Even no amount has been granted regarding future prospects. In this regard, a sum of Rs.2 lacs should be granted. Because the appellant cannot sit and walk and is dependent on others and cannot earn livelihood for him and his family. He has also lost the enjoyment of future life.

3. That the ld. Tribunal has granted a mere amount regarding pain and suffering and at least it should be granted Rs.50,000/-.

4. That due to the said accident, the appellant had received grievous and multiple injuries and his whole life has been ruined and he has to spend the remaining life at the mercy of other person because he is not in a position to walk and run properly. He can not earn his livelihood due to the permanent disability. The Tribunal has awarded a lower compensation in this regard and the same deserves to be enhanced.

PRAYER

It is, therefore, respectfully prayed that this appeal may kindly be accepted and the impugned Award dated 04.5.2010 be modified to the extent of Rs.10 lacs regarding future prospects, attendant charges, which have not been provided, and enhanced the amount regarding medical expenses, diet and transportation, which have been granted inadequately.

(SURESH AHLAWAT)

ADVOCATE

DATED:05.12.20 COUNSEL FOR THE APPELLANTs

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

F. A. O. No.\_\_\_\_\_\_of 2012

MEMO OF PARTIES

1. Smt. Ompati, widow
2. Satyawan, son
3. Kavita daughter of Late Sh. Jangjit Singh resident of Vill. Dhankheri, Tehsil Narwana Disstt. Jind

------------------ Appellants

VERSUS

1. Uttam Chan s/o Hans Raj, Cast Panjabi , resident of House No. 471/8, Shyam Nagar, Jind .(Driver & Owner of Maruti Car bearing Registration No. HR- 31B -8008)
2. Sh. AK Ahuja s/o Sant lal, resident of house no. 461/5, Shyam Nagar , near Old Power House, Patiala Chowk, Jind. Distt. Jind .( Owner of Maruti Car bearing Registration No. HR- 31B -8008)
3. Bajaj Allianz General Insurance Company Limited , SCO No.329 1st Floor, Sector- 9 Panchkula Through its Manager. (Insurer of Maruti Car bearing Registration No. HR- 31B -8008)

----------- Respondents

CHANDIGARH (SURESH AHLAWAT)

ADVOCATE

DATED:12.7.2012 COUNSEL FOR THE Appellant

IN THE HIGH COURT FOR THE STATES OF PANJAB AND HARYANA AT CHANDIGARH

F.A.O. NO. OF 2011

Smt. Majeet Kaur and Others -------Appellant s

Versus

Sukhbir and Others ---------Respondents

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr no. | Particulars | Date | Page | Court Fee |
| 1  2.  3. | Application u/s 151 CPC for delay in re-filing.  Affidavit in support  Application u/s 5 of Limitation Act  for CONDONATION OF delay | 28.3.2011  05.12.2010 | A-B  C  1-2 | 2.65  2.65 |
| 4 | Affidavit in support | 9.12.2010 | 3 |  |
| 5  5-A | Ground of Appeal  Affidavit | 16.2.2011  16.2.2011 | 4-6  6-A |  |
| 6 | Memo of Parties | 05.12.2010 | 7 | 5.15 |
| 7 | Copy of Judgment | 04.5.2010 | 8-26 | 8.45 |
| 8 | Power of Attorney |  |  | 2.65 |

Total Rs. 21.55

Note : Any Caveat petition has been filled or not : No.

Any other case : No.

Nature of Case :- Death Case

CHANDIGARH (SURESH AHLAWAT)

ADVOCATE

DATED: 28.3.2 COUNSEL FOR THE APPELLANTs

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

F.A.O. NO. OF 2012

Zile Singh -------Appellant

Versus

Satish and Others ---------Respondents

-----------------------------------------------------------------------------

Total Court fee Rs.\_\_\_\_\_\_\_\_\_\_\_\_

-----------------------------------------------------------------------------

CHANDIGARH (SURESH AHLAWAT)

ADVOCATE

DATED: 12.4.201 COUNSEL FOR THE APPELLANT

IN THE HIGH COURT FOR THE PANJAB AND HARYANA

AT CHANDIGARH

C.M.NO.-------OF 2018

IN FAO.NO.------OF 2018

Rekha Devi and others -------- Appellants

Versus

Shridhar N Mukri and others --------- Respondent

Application Under ORDER 41, RULE 1 r/w section 151 C.P.C.for exemption from filling the certified copy of judgment dt. 19.1.2017 passed by Ld. ADJ Jind.

1. that the appellants is filling the above said appeal which is likely to succeed in the ground taken therein.
2. That the certified copy of judgment dt.19-1-2017 is not readily available with the appellants. However the true photo copy of the same is being attached.

It is, therefore, respectfully prayed that exemption may kindly be granted from filling the certified copy of judgment dt.19-1-2017, in the interest of justice.

Chandigarh: Suresh Ahlawat

Dt.1.2.2018 Counsel for Appellants

NOTE: Affidavit is not necessary.

IN THE HIGH COURT FOR THE PANJAB AND HARYANA

AT CHANDIGARH

C.M.NO.-------OF 2018

IN FAO.NO.------OF 2018

Rekha Devi and others -------- Appellants

Versus

Shridhar N Mukri and others --------- Respondent

Affidavit of Suresh Ahlawat Advocate ,Punjab & Haryana High Court Chandigarh.

1. that the appellants is filling the above said appeal which is likely to succeed in the ground taken therein.
2. That the certified copy of judgment dt.19-1-2017 is not readily available with the appellants. However the true photo copy of the same is being attached.

CHANDIGARH

Dt.

Verification: Verified that the contents of my aforesaid affidavit are true and correct to my knowledge and belief. No part of it, is false and nothing has been concealed there from.

Chandigarh

Dt.