

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1553 of 2003 (O&M)
Date of Decision:04.02.2015

Ravinder Saini

....Appellant

Versus

Ayub Khan and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Sandeep K. Sharma, Advocate for the appellant.

Mr. Suman Jain, Advocate for respondent No.3-
National Insurance Company Ltd.

NAVITA SINGH, J.

1. Counsel for the appellant has not placed on record copies of statements of witnesses, though he had sought time for the same. However, he is ready with the arguments.

2. The appeal is preferred against the award passed by Motor Accident Claims Tribunal, Rohtak (Tribunal for short), whereby the appellant was granted compensation to the tune of Rs.90,000/- for the injury sustained by him in a motor vehicle accident, which occurred on 21.11.1999. Finding the compensation inadequate, enhancement was sought.

3. Counsel for the appellant argued that there was 23% permanent disability and the Tribunal, besides the amount spent on treatment as per the medical bills produced, awarded a consolidated sum of Rs.85,500/- which would be for the disability, pain and suffering, special diet, loss of amenities of life and loss of income. It was contended that multiplier should have been applied as the appellant had been totally disabled to perform duties of the Clerk of an Advocate and he also was subjected to loss of income during the prolonged period of treatment.

4. Counsel for the Insurance Company however argued in response, that for the value the money carried at the relevant time i.e. in the year of accident (1999) and the year in which the award was passed (2003), the amount awarded was adequate. Nothing was proved by the appellant as to how long he remained away from work and whether he lost his job as Clerk with the lawyer with whom he was working. It was not shown that the disability had made the appellant useless for all kind of work and that he was jobless.

5. The arguments advanced on behalf of the respondent-Insurance Company are convincing. Since proper evidence was not led by the appellant, it cannot be said that the amount awarded was on the lower side. The doctor opined that the loss of movement in the ankle could be reduced by physiotherapy but all the same stated that in view of the nature of the injury, the restriction on movement could also increase. Both parts of the statement of the doctor are not conciliable and no benefit from the same can be derived by the appellant.

6. Bills to the tune of Rs.4500/- were proved, which amount was granted by the Tribunal towards medical expenses. Rest of the amount was cumulatively given for pain and suffering, special diet and loss of income etc. It cannot be said that the amount was inadequate.

7. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

04.02.2015
Ishwar

Whether to be referred to reporter: Yes