IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1308 of 2001 (O/M)
Date of decision : 17.3.2015

Ashok Kumar Jain ..... Appellant

Versus

Ram Parkash and others ...... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Varun Ishar, Advocate,
for the appellant.

Mr. Suman Jain, Advocate, for respondent No. 3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

This is appeal of the claimant for enhancement of compensation.

The brief facts of the case are that on December 11, 1995, claimant/Ashok Kumar Jain was driving a Maruti van bearing registration No. CH-01-H-5471 (CHO-01-5474), which was hit by a truck bearing registration No. HP-51-1171 being driven by respondent No. 1, as a result of which he received injuries. Claimant filed claim petition before the Motor Accident Claims Tribunal, Chandigarh, (for brevity 'the Tribunal'), which after considering the medical bills and all the aspects of the case, granted compensation to the tune of Rs. 3.50 lacs alongwith interest @ 12%

per annum from the date of filing the claim petition till realization, vide order dated 5.12.2000.

Claimant being not satisfied with the said award of the Tribunal, now seeks enhancement of the compensation by filing the present appeal before this Court.

Learned counsel for the appellant states that the claimant is an income tax assessee. Though, no income tax return was placed on file. It has been stated that the claimant suffered multiple fracture on right leg, pelvis and injury on right hand. He was operated upon and remained admitted in PGI, Chandigarh, for 52 days. He has also referred to the medical expenses of physiotherapist, massage and other bills, which were duly exhibited before the Tribunal and the total amount of bills calculated in the Court comes to Rs. 2,23,829/-.

Learned counsel has further argued that as per the disability certificate produced before the Tribunal, the claimant had suffered 22% disability and that there was loss of income also. He remained admitted in the hospital for 52 days.

I am of the view that there is no proof of income, though, the claimant has claimed before the Tribunal that he is running a factory and is an income tax assessee. Even no record of the factory was produced to show as to what was the extent of the business and what was the profit from the said factory and whether it was the sole ownership or partnership concern. The accident took place in 1995 and the award was passed alongwith 12% per annum interest. In addition to the medical bills, an exorbitant amount of Rs. 60,000/- for the massage was awarded. Keeping in view the fact that case pertains to the year 1995, the entire amount of expenditure incurred by the claimant comes to Rs. 2,23,820/-. The Tribunal has already awarded much more amount i.e. Rs. 3,50,000/-. Keeping in view the fact that the accident is of the year 1995 and an amount of Rs. 3.50 lacs was awarded alongwith 12% per annum interest, I am of the view that just compensation was awarded and there is no need to interfere with the findings of the Tribunal.

The present appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

17.3.2015
sjks