

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No.4614 of 2005 (O & M)
Date of Decision: *February 23, 2015*

Puran Chand

..... APPELLANT(S)

VERSUS

Santokh Singh & another

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

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

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PRESENT: - Mr. Nand Lal Sammi, Advocate, for the appellant.

Mr. Munish Mittal, Advocate, for respondent No.1.

None for respondent No.2 – Insurance Company.

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Jaspal Singh, J

1. Being not fully satisfied qua award dated June 01, 2005 passed by the Motor Accident Claims Tribunal, Jagadhri (for short, 'Tribunal') whereby a sum of ₹ 90,000/- was

awarded on account of injuries sustained by appellant – claimant, instant appeal has been preferred by appellant – claimant who has sought enhancement thereof, alleging the same to be inadequate and insufficient.

2. Contention of learned counsel for the appellant is that it is an undisputed fact that appellant sustained injuries in a vehicular accident occurred on October 15, 2003 due to rash and negligent driving of truck No.HR-37A-9735 by respondent No.1 but while awarding compensation, learned Tribunal has not properly appreciated the nature of injuries sustained, period of treatment, loss of income as well as the fact that he was operated upon for fracture of his wrist joint and could not attend his duties upto November 30, 2003. Amount of compensation awarded by learned Tribunal is on the lower side and is absolutely inadequate and cannot be said to be commensurate with injuries. Appellant incurred a sum of ₹ 75,000/- on his treatment against which only an amount of ₹ 7,000/- has been awarded. Appellant also suffered permanent disability to the extent of 10%, however, only a meagre amount of ₹ 40,000/- has been awarded by learned Tribunal. Similar is the position with regard to compensation awarded on account of pain and sufferings or on account of diet etc. Impugned award deserves

to be modified by way of enhancement of compensation so awarded by learned Tribunal.

3. On the other hand, Mr. Munish Mittal, Advocate, for respondent No.1 has submitted that since just and adequate compensation has already been awarded by learned Tribunal while keeping in view the facts & circumstances of the case, evidence available on file and latest proposition of law, no interference of this Court is justified. Appeal deserves to be dismissed with exemplary costs.

4. Having considered the rival submissions made by learned counsel for the parties; analyzing evidence; and bestowing consideration to the impugned award, this Court is of the considered view that there is no infirmity, illegality or impropriety in the impugned award and same is absolutely in consonance with evidence available on file and settled canons of law.

5. Undoubtedly, appellant suffered injuries in a road side accident on October 15, 2003 and remained off from his duty upto November 30, 2003. He was also operated upon and suffered 10% permanent disability. A glance at the impugned award makes it clear that just and adequate compensation has been awarded by learned Tribunal. On account of 10%

permanent disability, a sum of ₹ 40,000/- has been awarded, whereas, a sum of ₹ 20,000/- was granted on account of pain & suffering besides a sum of ₹ 15,000/- on account of earnings for the period he remained on medical leave. Similarly, a sum of ₹ 8,000/- has been awarded for transportation and diet, and a sum of ₹ 7,000/- on account of medical expenses.

6. No doubt, appellant has claimed that he incurred a sum of ₹ 75,000/- on his medical treatment but except his bald assertion, there is no other evidence either oral or documentary to prove the said fact. Infact, appellant placed and proved on record, medical bills and on calculation of the amount of said bills, it only worked out to ₹ 7,000/- which has already been awarded by learned Tribunal. Thus, in such circumstances, no fault can be found with the impugned award.

7. As an upshot of the aforesaid discussion, this Court does not find any merit in the instant appeal and same is dismissed, whereby impugned award is upheld.

8. No order as to costs.

February 23, 2015
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(Jaspal Singh)
Judge