

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2811 of 2013

Date of Decision:- 09.03.2015.

Harvinder Singh

.....Appellant

Versus

Sant Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Ms. Savita Rana, Advocate for the appellant.

Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate for
respondent No.3.

SHEKHER DHAWAN, J. (ORAL)

Appellant/claimant Harvinder Singh has challenged the impugned award dated 04.03.2013, passed by Motor Accidents Claims Tribunal, Kurukshetra on the point of quantum of compensation alone.

Brief facts relevant for the purpose of decision of the present FAO are that on 27.03.2011, appellant was going to his house in village Sonti and met with an accident because of rash and negligent driving of respondent No.1 while driving car bearing No. HR-29-H-8488. Appellant was shifted to Alchemist Hospital, Sector 21, Panchkula in injured condition where he remained as injured patient from 27.03.2011 to 07.04.2011. The case of the appellant is that he had to spend a sum of Rs.2,25,000/- on his treatment,

transportation and special diet etc. More so, he had suffered permanent disability and his life had become miserable. Appellant prayed that compensation amount be enhanced to Rs.7,00,000/- from Rs.1,82,200/- along with interest @ 7.5% per annum, awarded by the Tribunal.

Contesting respondent No.3 i.e. Shri Ram General Insurance Company duly represented by learned counsel took the plea that the claimant has been duly compensated and there are no grounds for enhancement of the amount of compensation awarded by the Tribunal and the present FAO be dismissed.

I have heard learned counsel for the parties and perused the record.

Claimant has been able to produce on file medical bills Ex. P1 and P2 amounting to Rs.1,20,782/- issued by Alchemist Hospital, Sector 21 Panchkula. The entire amount of said bill has already been awarded as compensation. Apart from that claimant has been made following payments:-

(i) Pain and suffering	:	Rs.0,20,000/-
(ii) Medical expenses	:	Rs.1,21,200/-
(iii) Loss of income	:	Rs.0,11,000/-
(iv) Misc.	:	Rs.0,30,000/-

Total	:	Rs.1,82,200/-

There was no proof of fixed income of claimant before the

Tribunal and learned Tribunal took the income of claimant to be Rs.5,500/- per month which cannot be considered to be unreasonable or on the lower side in any way. Claimant has been duly compensated vide impugned award dated 04.03.2013, as he has been compensated on account of loss of income, pain and suffering and another sum of Rs.30,000/- has been paid under miscellaneous heads. More so, no disability to the claimant has been proved on the file.

Hence, there are no grounds for enhancement of the compensation amount and as such the present FAO is without any merit and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

March 09, 2015.

sandeep sethi