

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.4917 of 2015 (O&M)
Date of Decision: July 30, 2015**

P.R.T.C. and another

.... Appellants

vs.

Master Abhishek and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Anupam Singla, Advocate for the appellants.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

CM-15073-CII-2015

There is a delay of 141 days in filing the present appeal.

For the reasons mentioned in the application supported by an affidavit, delay of 141 days in filing the present appeal is condoned subject to all just exception.

Application stands disposed of.

FAO-4917-2015

P.R.T.C. has filed this appeal against the Award dated 08.12.2014 passed by the Motor Accident Claims Tribunal, Chandigarh (in short 'the Tribunal').

In this case, on 30.06.2012, Master Abhishek, aged about 5 years along with his mother Smt. Sampurna Kumari was going from

Chandigarh to Patiala while travelling in a bus bearing registration No.PB-11P-7406 belonging to the present appellants. It was being driven by its driver Jagir Singh in a rash and negligent manner. At about 3.00 p.m., when the bus reached near village Kauli on Rajpur-Patiala road, it turned turtle, causing injuries to its several occupants. Master Abhishek suffered injuries and was removed to Rajendra Hospital, Patiala, from where he was taken to Gian Sagar Hospital and further to PGI, Chandigarh on 01.07.2012. He was discharged on 02.07.2012. Thereafter, he got follow up treatment in PGI, Chandigarh for long time. It was claimed that ₹50,000/- were spent on the the treatment of Master Abhishek. He remained on bed for four months. Special diet was also advised.

The Tribunal after going through the evidence, came to the conclusion that since no medical expenses have been proved, it was presumed that whatever treatment was done that was in Government Hospital and no medical expenses were incurred. Therefore, nothing was allowed on account of medical expenses. Nothing was allowed for attendant charges, holding that it is not proved that the claimant remained bed ridden for four months. Therefore, the Tribunal awarded the following compensation:

1.	Pain and Suffering	₹20,000/-
2.	Special Diet	₹20,000/-
	Total	₹40,000/-

₹2,000/- as costs of proceedings were also allowed. The total amount of compensation was ordered to be paid with interest @ 6% per annum from the date of filing of the claim petition till its realization.

I am of the view that the compensation awarded by the Tribunal is on the lower side. It is not denied by the respondent that the injured was first taken to Rajendra Hospital, then to Gian Sagar and then to PGI, Chandigarh, where he remained admitted for two days. To prove the treatment, case summary (Ex.39) Out Door Patient Cards (Ex.P-40 and P-41) were also produced. Even though, the medical bills were not proved but the Tribunal was not powerless to award something for the medical expenses on the basis of guess. It is a common knowledge even in the Government hospitals, the entire treatment is not free. Moreover, Gian Sagar Hospital is not a Government hospital. Therefore, the Tribunal erred in not awarding anything for the medical expenses. Certainly, the child was of the tender age and the Out Door Patient Cards show that he remained under treatment even after being discharged from the hospital. Therefore, he required attendant for the period, he remained under treatment even as Out Door Patient. But nothing was awarded on that account.

The Tribunal awarded interest of 6% per annum from the date of filing of the claim petition till its realization, which is also on the lower side. Therefore, there is nothing for the appellants to be

aggrieved by the Award. Rather it should be the claimant, who should be aggrieved by the Award for granting lower compensation.

Therefore, there is no ground to interfere in the impugned Award passed by the Tribunal.

The present appeal is accordingly dismissed.

July 30, 2015
sarita

(KULDIP SINGH)
JUDGE