

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

FAO-959-2015

Date of decision:15.12.2015

Tilak Raj

...Appellant

Versus

Sham Sunder and another

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Sukhmeet Singh, Advocate for the appellant

SNEH PRASHAR, J.

The present appeal has been filed by the claimant-appellant, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Faridkot, (for short 'the Tribunal') vide award dated 1.10.2014, on account of the injuries suffered by him in a road side accident.

The submissions made by learned counsel for the appellant have been considered.

Learned counsel for the appellant contends that the appellant is working as Computer Operator in Police Department at Faridkot and due to the injuries sustained by him, he has lost promotion benefit in service. Moreover, after retirement he would not get any re-employment. Submitting that the compensation

awarded by learned Tribunal is on the lower side, learned counsel prayed that just and adequate compensation be awarded to the appellant.

It is not a matter in issue that the appellant suffered injuries during a motor vehicular accident caused by respondent No.1- driver of the offending vehicle. Injured-appellant remained hospitalised in GGS Medical College and Hospital, Faridkot from 28.4.2012 to 29.4.2012 and thereafter in Amandeep Hospital, Amritsar from 29.4.2012 to 5.5.2012. The provisional diagnosis was post traumatic foot drop left with uncortical fracture fibula. Sutures were removed and wound debridement and irrigation was done. Anterior tibial nerve and superficial peroneal nerve and cut muscles of anterior lateral compartment were repaired. The injury indeed was grievous but there is no document on record to prove that the appellant suffered any kind of disability due to the injuries. No disability certificate was tendered in evidence. Even the doctor who treated the appellant was not examined.

The appellant was working as Computer Operator with Punjab Police, Faridkot at the time of accident. No evidence was produced by him to prove that he had been denied promotion on account of the injuries/ disability suffered by him. It is also not the case that there has been reduction in his salary or he is not being

given increments and other service benefits.

In any case considering the nature of injury suffered by the appellant in his lower limb and its after effect as it must have resulted in some restriction in movement of the limb and the fact that the appellant was forced to utilize the leave due to him, the learned Tribunal compensated the appellant by awarding Rs.30,000/- on this count which is just and appropriate.

In addition to the above, learned Tribunal has awarded compensation under various heads as follows:-

- | | |
|-----------------------|-------------|
| 1. Medical Bills | Rs.62,310/- |
| 2. Pain and suffering | Rs.25,000/- |
| 3. Special diet | Rs.20,000/- |
| 4. Attendant charges | Rs.15,000/- |

All the medical bills Ex.P42 to P-47 exhibited by the appellant have already been allowed to him by the Tribunal. Needless to say that the amount awarded under all other heads appears appropriate and adequate.

In view of the above, the award passed by learned Tribunal warrants no intervention and the present appeal being devoid of merit is dismissed.