

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

FAO No. 1312 of 1993

Date of decision : 06.01.2016

Rajinder Paul

..... Appellant

versus

Pritam Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Amandeep Saini, Advocate
for the appellant.

Mr. Abhishek Goyal, Advocate
for the respondents.

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?

AJAY TEWARI, J. (Oral)

This appeal has been filed for enhancement of compensation having been awarded to the appellant in a claim petition filed for the injuries suffered by him in a motor vehicle accident.

Brief facts of the case are that on 10.11.1991 Pawan Kumar, since deceased, along with Rajinder Paul (the present appellant) was going on a motor cycle towards village Gangan Majra on G.T. road. Motor cycle was being driven by Rajinder Paul and Pawan Kumar was riding the pillion. When they reached in the area of village Mohanpur, a bus bearing registration No. PAB-8425 being driven by respondent No. 1-Pritam Singh in a rash and negligent manner came from behind and dashed against their motor cycle as a result of which they fell down and Pawan Kumar died on the spot as a result of the injuries sustained and Rajinder Paul sustained multiple grievous injuries. He was also

stated to have suffered disability to the extent of 25% as his leg was fractured. He was doing the work of an electrician before the accident. The Tribunal, taking into account the evidence produced by him, awarded a sum of Rs. 20,000/- along with interest at the rate of 15% p.a. as compensation. Being dissatisfied with the amount of compensation awarded to him, he has come up before this Court for enhancement.

As regards the appellant the Tribunal noticed that there was no injury report on the file and, therefore, came to the conclusion that the permanent disability which the appellant was claiming could not be related to the accident in question for want of necessary documentation. On 04.02.2015 the following order was passed:-

*“Learned counsel for the appellant seeks two months' time to find out if any document regarding the fracture can be recovered for reconstruction of the record.
Adjourned to 29.04.2015.”*

Even today learned counsel for the appellant has fairly stated that apart from the testimony of Dr.Gagan Deep(AW-9), no other record is traceable. The testimony of AW-9 has been considered by the Tribunal and, in my opinion rightly. It has to be held that the fracture which has resulted in the permanent disability has not been connected with the accident in question since AW-9 examined the appellant after a gap of almost 11 months.

In these circumstances no ground for interference is called for in the award passed by the Tribunal.

Appeal is dismissed.

January 06, 2016
sunita

(AJAY TEWARI)
JUDGE