

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

FAO No. 2631 of 1999

Date of Decision: 29.09.2016

PARVEEN KHURANA

... Appellant

VS.

UNION OF INDIA

..Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. D. Khanna, Advocate,
for the appellant.

Mr. Banni Thomas, Advocate,
for the respondents.

KULDIP SINGH, J. (Oral)

The appellant has preferred an appeal against the judgment dated 17.03.1999 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, vide which the compensation of ₹33,000/- was ordered to be paid to the appellant for the injuries sustained by him alongwith interest @ 12% per annum starting 60 days from the date of said order till the realization.

I have heard learned counsel for both the parties.

It comes out that the petitioner was travelling in Frontier Mail train from New Delhi to Amritsar which collided with Sealdah Express train at Khanna on 26.11.1998. Due to the collision, the appellant suffered fracture on left arm, rib fracture, stitches on the left leg. On 11.02.1999, he filed a claim application before the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, claiming sum of ₹33,809/-. The Railway Claims Tribunal, Chandigarh Bench, Chandigarh, after hearing both the parties, had allowed ₹33,000/- to Parveen Khurana-appellant in the present appeal as compensation for the injuries sustained by him alongwith interest @ 12% per annum starting 60 days from the date of said order till the realization.

FAO No. 2631 of 1999

Before this Court it is pleaded on behalf of the appellant that in fact a sum of ₹33,809/- is on account of the details of bill and an additional sum of ₹4,00,000/- should be awarded to the appellant for the injury received by him.

I have gone through the original file which shows that the appellant himself, in Column 16 of the Medical Verification Certificate, had claimed a sum of ₹33,809/- as compensation. A sum of ₹33,000/- had been allowed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh on his claim application.

I am of the view that the appellant is always at liberty to restrict his claim to lesser sum and the Railway Claims Tribunal, Chandigarh Bench, Chandigarh had allowed almost the same compensation. Therefore, this Court cannot go beyond the claim made before the Railway Claims Tribunal, Chandigarh Bench, Chandigarh to hold that he is entitled to more compensation on account of injuries sustained by him.

It being so, there is no ground to interfere with the impugned order dated 17.03.1999 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

In view of the above, the present appeal stand dismissed.

September 29, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>