

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

F.A.O. No.1162 of 2001 (O&M)

Date of Decision : 21.04.2016

Suresh Kumar

..... Appellant

versus

Surender and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. B.S. Rana, Advocate
for the appellant.

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 by the claimant for the enhancement of compensation in an injury case in a motor vehicular accident on 15.11.1997.

The case set up by the claimant was that on 15.11.1997 he was going from Mohana to Sonapat in a Jeep. When the said jeep reached near Village Hullaheri, a canter came from the opposite side. The driver of the jeep lost control and the jeep turned turtle due to which the claimant received multiple injuries alongwith other passengers. The Tribunal has awarded an amount of Rs.29,000/- alongwith interest @ 12% per annum. For this the Tribunal has noticed that the medical bills were of Rs.14,140/-.

After considering this the Tribunal awarded Rs.20,000/- on account of treatment, special diet and transportation. I find it to be adequate. The Tribunal has also awarded an amount of Rs.4000/- on account of loss of salary for two months @ Rs.2000/- p.m. since the appellant did not lead any evidence to show how much leave he had taken. The Tribunal has also awarded an amount of Rs.5000/- on account of pain and suffering and enjoyment of life. This was because no permanent disability was caused to the appellant.

To support his argument for enhancement, the learned counsel for the appellant has relied upon the judgment of the Orissa High Court in the matter of *Tulsi Prasad Agarwala vs. Narayan Das and another, reported as 2013(2) AICJ 30*. In that case the Ld. Single Judge noticed that there was shortening of leg. Moreover, in the present case there was hospitalization of 18 days whereas in that case there was hospitalization of 2 months. In the circumstances, the aforesaid judgment cannot be applied in the present case.

Consequently, I find no fault with the findings of the Tribunal.
Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

April 21, 2016

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**(AJAY TEWARI)
JUDGE**