IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1216-2014 (O&M)
Date of decision: 05.05.2016

Romesh Kumar Verma

...Appellant

Versus

Divya and others

...Respondents

CORAM:HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Bagga, Advocate for the appellants.

None for respondent Nos.1 & 2.

Mr. Vishal Chaudhri, Advocate for
Mr. Vinod Chaudhri, Advocate for respondent No.3

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JITENDRA CHAUHAN, J.

The instant appeal has been preferred by the appellant-claimant against the impugned Award dated 08.08.2013, passed by learned Motor Accidents Claims Tribunal, Chandigarh, (for short, 'the Tribunal').

2. The learned counsel for the appellants contends that the learned Tribunal erred in discarding the photocopies of medical bills against which the medicines were purchased during the treatment of the appellant. The amount paid under the head

of transporation is also inadequate, keeping in view the fact that the appellant has taken treatment from PGI Chandigarh, Silver Oak Hospital, Mohali and Sri Ganga Ram Hospital Delhi, however, a meagre amount of ₹20,000/- has been awarded by the learned Tribunal. The appellant had suffered major injuries in the accident resulting into fracture of the pelvic bone for which he had to go for hip replacement, therefore, the amount towards the head of pain and suffering ought to have been at least at ₹1 lakh.

3. On the other hand, the learned counsel for respondent No.3 states that a just and reasonable compensation has been awarded by the learned Tribunal. The car was driven at a very high speed by the daughter of the appellant. The daughter of the appellant herself admitted before the police that the accident happened by chance.

4. I have heard the learned counsel for the parties and perused the record.

5. The daughter of the appellant herself is responsible for the accident. The factum of accident is not in dispute. The injured has suffered 51% permanent disability in relation to left lower limb. The injured has alleged that he was working as assistant with Sh. R.R Thakur, Taxation Consultant and had been

a salary of Rs. ₹8000/- per month, however, he has not examined said R.R. Thakur to prove the monthly income. Thus, the learned Tribunal has righlty assessed his income as ₹56,000/- per annum on the basis of income tax returns. The transporter was not examined to prove the taxi fare paid by the appellant. As the treatment was mainly carried out in the local hospitals, therefore, Rs.20,000/- allowed towards transportation cannot be said to be on the lower side. Thus, in the considered opinion of this Court, there is no scope to enhance the amount of compensation.

6. In view of the above, it is held that there is no irregularity or perversity in the award passed by the learned Tribunal.

Dismissed.

05.05.2016 **(JITENDRA CHAUHAN)**
sumit.k **JUDGE**