

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

FAO No.1069 of 2016 (O&M)

Date of decision : 11.03.2016

Ravi Kumar

.....Appellant

Versus

Rakesh Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Ram Kumar Saini, Advocate for appellants.

DARSHAN SINGH, J.

CM-3317-CII-2016

This application has been filed by the appellant for condonation of delay of 555 days in filing the present appeal.

Heard on the application.

It is settled principle of law that the approach to condone the delay should be liberal and valuable rights of the parties should not be declined simply on technicalities.

Thus, in view of the reasons mentioned in the application, I found that there is sufficient cause for condonation of delay in filing the present appeal. Hence, the application is hereby allowed and the delay of 555 days in filing the present appeal is hereby condoned.

FAO No.1069 of 2016

The present appeal has been preferred by appellant-claimant Ravi Kumar against the award dated 13.03.2014 passed by learned Motor Accidents Claims Tribunal, Ambala (hereinafter called the 'Tribunal'), vide which the claimant have been awarded compensation to the tune of Rs.80,000/- on account of injuries suffered by him in the motor vehicular accident which took place on 12.05.2013.

2. The present appeal has been preferred for enhancement of the amount of compensation.

3. Learned counsel for the appellant-claimant contended that the appellant has suffered 5% disability but the learned Tribunal has only awarded Rs.10,000/- as compensation on account of the disability. He further contended that very less amount has been awarded towards loss of income. The claimant has remained admitted in hospital for 15 days but the learned Tribunal has awarded compensation only to the tune of Rs.12,000/- on account of loss of income.

4. Appellant Ravi Kumar was working as a Welder and was earning Rs.12,000/- per month but his income was wrongly taken as Rs.5000/- by the learned Tribunal. Thus, he contended that the inadequate amount of compensation has been awarded.

5. I have duly considered the aforesaid contentions but the same are devoid of any merits.

6. PW4 Dr. Mohit Gupta has proved the disability certificate Ex.P-69, which shows that the claimant has suffered 5% disability but in the cross-examination he clarified that the disability suffered by the appellant is only temporary and is likely to improve. Thus, the appellant has not suffered any permanent disability as a result of injury suffered by him in this accident. So, the learned Tribunal has rightly awarded Rs.10,000/- as compensation towards 5% temporary disability suffered by the claimant.

7. As per the case of the appellant, he was working as a Welder with PW6 Gurmeet Singh and was getting Rs.12,000/- per month as salary. But this witness in the cross-examination has admitted that he has no proof regarding the salary of the claimant to be Rs.12,000/-. So, the learned Tribunal has rightly taken the income of the appellant to be Rs.5000/- per month. He has been awarded compensation on account of loss of income during the period of hospitalisation and period of recovery for two months and 10 days i.e. Rs.12,000/- . Even as per the contentions raised by learned counsel for the appellant, he remained admitted in the hospital for only 15 days. So, the compensation awarded by the learned Tribunal on account of loss of income for two months and 10 days is quite reasonable and does not call for any enhancement.

8. The learned Tribunal has awarded a sum of Rs.80,000/- as compensation on account of the injuries suffered by him, which is quite

reasonable and justified in view of the nature of the injuries suffered by the appellant. Thus, the compensation awarded by the learned Tribunal is just and appropriate and, there is no scope of any further enhancement.

9. Resultantly, the present appeal has no merits and same is hereby dismissed.

11.03.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**