

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

FAO No.5108 of 2013 (O&M)

Date of decision : 11.08.2016

Santokh Singh

.....Appellant

Versus

Balwinder Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Kulbir Sekhon, Advocate for applicant-appellant.

Respondent No.1 proceeded against *ex parte*.

Mr. V. Ramswaroop, Advocate for respondent No.7.

DARSHAN SINGH, J.

CM-21615-CII-2013

There is delay of 260 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 260 days in filing the present appeal is hereby condoned.

FAO No.5108 of 2013

The present appeal has been preferred against the award dated 13.08.2012, passed by the learned Motor Accidents Claims Tribunal

(hereinafter called the “Tribunal”), Sri Muktsar Sahib, vide which the appellant-claimant has been awarded compensation to the tune of ₹ 65983/- on account of injuries suffered by him in the motor vehicular accident, which took place on 09.10.2003.

2. The present appeal has been preferred by the appellant-claimant for enhancement of the amount of compensation.

3. Learned counsel for the appellant contended that the claimant has suffered serious injuries in the present accident on his neck and other part of body. The learned Tribunal has not awarded any compensation to the claimant towards the loss of future income, loss of enjoyment and amenities of life. He further contended that the compensation awarded by the learned Tribunal under other heads is also inadequate.

4. On the other hand, learned counsel for the respondent contended that the learned Tribunal has awarded adequate compensation under all the heads. Thus, he contended that there is no scope of any further enhancement in the amount of compensation.

5. I have duly considered the aforesaid contentions.

6. The appellant-claimant has not led any evidence to establish that he has suffered any permanent disability on account of the injuries received in this accident. The learned Tribunal has categorically mentioned that the disability certificate has not been proved by the claimant by examining the doctor, so it cannot be taken into consideration. In the absence of any evidence with respect to any permanent disability suffered by the claimant, there can be no question of any future loss of income as

well a loss of enjoyment and amenities of life. So, the appellant-claimant was not entitled for any compensation under these head.

7. The learned Tribunal has awarded compensation to the tune of ₹ 25,983/- on account of the medical and treatment charges, ₹ 10,000/- towards pain and suffering and ₹ 10,000/- towards transportation and special diet. The clamant has also been compensated to the tune of ₹ 20,000/- on account of the employee employed by him to run his business of shoe making. Total ₹ 65,983/- has been awarded as compensation by the learned Tribunal, which in view of the fact and circumstances of the case seems to be just compensation.

8. So, the present appeal is without any merit and the same is hereby dismissed.

11.08.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No