IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2471 of 2016 (O&M)
Date of Decision : 08.11.2016

Vinod and another ....Appellants

Versus

Pardeep ....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. M.R. Verma, Advocate
for the appellants.

Surinder Gupta, J.

This is appeal against award dated 29.01.2016 passed by Motor Accident Claims Tribunal, Narnaul (later referred to as 'the Tribunal') allowing compensation of ₹3,71,200/- to claimant-Pardeep for the injuries suffered by him in a motor vehicle accident with Bolero vehicle bearing registration no. HR-35-D-5596 (later referred to as 'the offending vehicle').

2. Compensation of ₹3,71,200/- was computed as follows:-

Sr.No.	***Heads***	***Calculation***
(i)	Hospital and medicines charges	₹336197
(ii)	Compensation towards 5% temporary disability	₹10000
(iii)	Pain and suffering, special diet, loss of income and attendant charges	₹25000
Total		**₹371197 (rounded off to ₹371200)**

3. The offending vehicle was not insured, as such, appellants were held liable to pay compensation amount jointly and severally.

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4. Learned counsel for appellants has assailed the award on two counts. Firstly, that the hospital bill produced by claimant is highly inflated; and secondly, the Tribunal has allowed compensation of ₹10,000/- towards temporary disability of 5% only, which is also inflated. He has argued that claimant suffered only three injuries and there is no evidence that he was referred from Government Hospital, Narnaul to PGIMS, Rohtak. No doctor from Medanta Hospital was examined by claimant to prove as to what type of treatment was given to him to justify bill of ₹3,12,707.87 ps. towards hospital expenses.

5. Claimant examined Dr. Jagmohan Yadav, Medical Officer, Government Hospital, Narnaul as PW-1, who deposed that claimant was brought to Government Hospital on 15.10.2014 at 03.00 p.m. and on examination he found following injuries on his person:-

(i) A (5x3 cm) lacerated wound on left leg. On examination crepts and active bleed present.

(ii) A (3x2 cm) red bruise on right elbow. On examination tenderness present.

(iii) A (1x5 cm) lacerated wound on right temporal region. On examination no tenderness.

6. While appearing as PW-2 Pankaj has stated that after the accident claimant was taken to Civil Hospital, Narnaul from where he was referred to PGIMS Rohtak but was taken to Medanta Hospital, Gurgaon for treatment, where he remained admitted upto 19.11.2014. Claimant also remained admitted in Pooja Hospital, Narnaul from 24.11.2014 to 28.11.2014, where he was operated and the hospital charged bill of ₹20,830/- from him, which has been proved by examining PW-4 Girdhari

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Sharma, Record Keeper, Pooja Hospital, Narnaul. Hospital bill of Medanta Hospital, Gurgaon amounting to ₹3,12,707.87 ps. was proved by PW-5 Ramesh Kumar, Billing Executive, Medanta Hospital, Gurgaon. It is not proved on file that Medanta Hospital, Gurgaon has prepared a false bill to help the claimant. All the details of treatment and the charges find mention in the medical bill (Ex. PW-5/A). Mere assertion of appellants that this is a fake bill, carries no weight.

7. The Tribunal has been very moderate while allowing total amount of compensation. Besides hospital and medicines expenses, Tribunal allowed only a sum of ₹35,000/- for other conventional heads despite the fact that claimant was hospitalized twice. He was operated in Medanta Hospital as well as in Pooja Hospital. Amount of ₹10,000/- awarded as compensation towards temporary disability of 5% cannot be termed as inflated amount of compensation.

8. In view of my above discussion, I find no legal or factual infirmity in the award calling for any interference.

9. This appeal has no merit and the same is dismissed.

November 08, 2016 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

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