

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

-.-

FAO 5469 of 2015

Date of decision: 16.12.2016

Pala Ram

.....Appellant

Versus

Satyawan and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Chander Pal Tiwana, Advocate
for the appellant

-.-

Rekha Mittal, J. (Oral)

The injured victim is in appeal seeking enhancement of compensation in regard to injuries sustained in a motor vehicular accident that took place on 10.07.2011.

The Tribunal awarded Rs.3,55,330.00 under the following heads:-

1.	For hospitalization	84,000/-
2.	For special diet	15,000/-
3.	For pain and sufferings	25,000/-
4.	For medical bills	1,81,330/-
5.	Loss of earning capacity	50,000/-

Counsel for the appellant has submitted that the victim remained hospitalized for a period 28 days. The Tribunal has not awarded anything for services of an attendant. Further, the compensation awarded for pain and sufferings to the extent of Rs.25,000.00 requires enhancement.

I have heard counsel for the appellant and perused the paper book particularly the award passed by the Tribunal.

Perusal of the award would indicate that the claimant has neither pleaded nor proved that he suffered any disability due to injuries sustained in the occurrence. The Tribunal has awarded Rs.50,000.00 qua loss of earning capacity despite the fact that the injured victim has not proved any disability resulting in future loss of income. Keeping in view the amount awarded for loss of earning capacity, I do not find any justification either to award compensation under any additional head or enhance compensation for pain and sufferings.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

16.12.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No