

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

FAO No.7491 of 2014(O&M)

Date of decision:29.9.2016

Pawan Kumar

....Appellant

VERSUS

Sunil Kumar and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ramesh Sindhar, Advocate for the appellant.

REKHA MITTAL, J.

The claimant is in appeal seeking enhancement of compensation in regard to injuries sustained by him in a motor vehicular accident that took place on the intervening night of 29/30.08.2012 at about 1:00 a.m. due to rash and negligent driving of Honda CRV No.HR26-AQ-9668 by Sunil Kumar– respondent No.1.

The Motor Accident Claims Tribunal, Gurgaon (in short ‘the Tribunal’) awarded compensation of Rs.87,600/- namely Rs.67,600/- towards medical expenses based on cash memos and bills and Rs.20,000/- for pain and suffering.

Counsel for the appellant has submitted that the Tribunal has not awarded any compensation for special diet, transportation and attendant charges etc. It is argued that in view of value of the bill Ex.P4 for an amount of Rs.1,59,218/-, it can be safely presumed that the injured must have got treatment as an indoor patient for a number of days and sustained serious injuries.

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

Indisputably, the claimant did not examine any doctor from Artemis Hospital, Gurgaon to prove nature of injuries sustained, treatment given in regard thereto and the period of treatment. Counsel for the appellant is not in a position to say something as to for how many days, the injured/victim remained confined to the hospital or away from his workplace (Haryana Police). The mere fact that the appellant examined an official from Artemis Hospital, Gurgaon to prove bills Ex.P4 to P28 is not at all sufficient to accept the contention that he is entitled to enhancement of compensation or compensation awarded by the Tribunal is not just and equitable. The Tribunal has awarded an amount of Rs.20,000/- for pain and suffering without any reference to nature of injuries, period and nature of treatment etc. In absence of justification to grant compensation under other heads, I find myself unable to accept submissions made by counsel for the appellant only in view of value of the bills exhibited on record.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed. As the appeal has been decided on merits, application for condonation of delay of 42 days is only of academic relevance.

SEPTEMBER 29, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no