

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

FAO-6330-2015 (O&M)

Date of decision: 1.3.2016

Pradeep Rana

...Appellant

Versus

Balwinder Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.MS Khillan, Advocate for the appellant

SNEH PRASHAR, J.

CM19903-CII-2015

An application under Section 151 of the Code of Civil Procedure had been filed for condonation of delay of 18 days in refiling the appeal.

For the reasons enumerated in the application, the delay of 18 days in refiling the appeal is hereby condoned subject to all just exceptions and the application is disposed of.

FAO-6330-2015

By filing the present appeal, the appellant has sought enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Karnal vide award dated 13.2.2015.

The submissions made by Mr.MS Khillan, Advocate

representing the appellant have been heard.

It is submitted on behalf of the appellant that despite the fact that appellant had suffered multiple, serious and grievous injuries in the accident including fracture of his left leg and remained hospitalised for a considerable period, learned Tribunal awarded a consolidated amount of Rs.50,000/- on account of pain and suffering, transportation, attendant charges and special diet etc. which is inadequate. Learned counsel further submitted that the disability suffered by the appellant i.e. 7% permanent in nature will reduce his future earning capacity, but no amount has been awarded on this count.

Perusal of the award shows that the appellant suffered multiple injuries including fracture of left leg. He remained admitted in Virk Hospital, Karnal from 19.5.2013 to 21.5.2013. Due to fracture he was operated on 20.5.2013. The medical bills i.e. Ex.P1, Ex.P8 to Ex.P23 and Ex.P25 to Ex.P29 amounting to Rs.34137/- proved by the doctor and also Rs.12,000/- for future treatment have already been allowed to the appellant. Further, considering the fact that the appellant was advised six months bed rest and also as deposed by PW2 Dr.JK Gulati, he will have to undergo an operation for removal of implant and may not be able to do labour work for at least three months, a total sum of Rs.60,300/- was

allowed on account of loss of income, which is very much adequate.

In addition to the above, the appellant was awarded a sum of Rs.50,000/- on account of pain and suffering, transportation, attendant charges and special diet etc. and Rs.14,000/- on account of disability i.e. 7% suffered by him, which calls for no intervention.

Keeping in view the nature of injuries, the disability and hospitalisation period, the compensation awarded to the appellant by learned Tribunal on all counts appears to be just and appropriate.

The present appeal being devoid of merit is dismissed.

1.3.2016
gsv

(SNEH PRASHAR)
JUDGE