

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

FAO No.8425 of 2015

Date of decision : 27.08.2016

Salinder Singh

.....Appellant

Versus

Gurjinder Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. I.S. Brar, Advocate for appellant.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-claimant against the award dated 07.08.2015 passed by learned Motor Accidents Claims Tribunal, Sri Muktsar Sahib (hereinafter called the "Tribunal"), vide which he has been awarded compensation to the tune of ₹16,55,430/- on account of the injuries suffered by him in the motor vehicular accident which took place on 07.03.2014.

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

3. I have heard learned counsel for the appellant and gone through the paper-book meticulously.

4. Learned counsel for the appellant contended that the learned Tribunal has not properly calculated the amount spent by him on his treatment. The claimant has spent more than ₹16,00,000/- on his treatment. But the learned Tribunal has awarded less amount. He further contended

that the claimant has underwent surgery twice and also remained hospitalised for a long period. Only ₹50,000/- has been awarded on account of pain and suffering. No amount has been awarded towards permanent disability suffered by the claimant. Thus, he contended that the compensation awarded by the learned Tribunal is inadequate.

5. I have duly considered the aforesaid contentions raised by learned counsel for the appellant but the same are devoid of any merit.

6. The learned Tribunal has awarded ₹15,85,430/- on account of medical and treatment charges. The appellant-claimant has produced the bills/documents Ex.P10 to Ex.P475. All these documents have been taken into consideration by the learned Tribunal while computing the medical and treatment charges. There is no medical evidence on record to show that any future treatment was required by the claimant. So, the learned Tribunal has rightly awarded ₹15,85,430/- towards medical and treatment charges.

7. ₹50,000/- has been awarded by the learned Tribunal towards pain and suffering. There is no dispute that the claimant has undergone surgery twice and implants were inserted in his legs and arm. He also remained admitted in the hospital but the amount of ₹50,000/- awarded by the learned Tribunal is just and appropriate.

8. The learned Tribunal has discussed the testimony of CW-1 Dr. Manjeet Singh who has proved the disability certificate in right perspective. From the admission of this witness in the cross-examination it comes out that the claimant has not suffered any permanent disability. The disability suffered by him was only temporary in nature and was curable.

So, he has been rightly declined any amount of compensation on account of the future loss of earning on account of alleged permanent disability.

9. Thus, keeping in view my aforesaid discussion, I do not find any legal infirmity in the impugned award to call for any interference by this Court.

10. Therefore, the appeal filed by the appellant-claimant being without any merit, is hereby dismissed.

27.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No