

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

**FAO No. 957 of 2003**

**Date of Decision: September 22, 2017**

Dinesh Kumar

.....Appellant

versus

Sheela Devi and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL**

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Present: None for the appellant

Mr. V.K. Garg, Advocate  
for the respondent – Insurance Company

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**Sudhir Mittal, J. (Oral)**

The case was listed on 18.08.2017 but nobody had put in appearance on behalf of the appellant. Thus, the case was adjourned to 25.08.2017. On the said date none appeared for the parties and the matter was adjourned to 01.09.2017. On 01.09.2017, again no one appeared for the appellant and, thus, the case has been listed for today. Today also the appellant is unrepresented. The appeal is of the year 2013 and, therefore, I am proceeding to decide it in the absence of counsel for the appellant.

2. The present appeal has been filed for enhancement of compensation. The appellant was injured in a road accident on 23.05.2001. He was hit by a Maruti car being driven by respondent No. 1 who is herself a doctor. The accident was witnessed by one Surinder and FIR was registered on 28.05.2000. The learned Tribunal granted a sum of ₹ 15,558/- as compensation alongwith interest @ 9% p.a. from the date of claim petition till realization. On the date of the accident the claimant-appellant was a student of Class V.

3. I have gone through the record of this case. The injured – claimant himself appeared in the witness box as PW-1 and has stated that his right leg was fractured in the accident. This version has been corroborated by PW-2 Surinder son of Brahm who states that the leg of the claimant was crushed by front wheel of the car although he does not say that the leg was also fractured. PW-3 Ram Karan-father of the claimant has stated that the right leg of Dinesh Kumar was fractured and that he had to be hospitalized for about 8 days. The Medico Legal Report has been produced on record as Ex. P-2. According to this document all the injuries sustained by the claimant were simple in nature except for injury No. 3, in respect of which an x-ray was advised. This injury pertains to the right elbow joint and has nothing to do with the right leg of the claimant. Some medical bills have been produced on record as Ex. P-3 to Ex. P-12. All these bills are for purchase of medicines which may have been prescribed for the injuries suffered by the claimant. From the evidence on record it is clear that no serious injury was suffered by the claimant nor he was admitted to hospital for any length of time. He has sustained bruises and abrasion on account of the accident for which treatment was provided. Based on the evidence on record the learned Tribunal has correctly assessed the compensation. There is no error of appreciation of evidence nor any evidence has been neglected while deciding the claim.

4. The appeal has no merit and is dismissed accordingly.

September 22, 2017

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**[SUDHIR MITTAL]**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**

**Whether Reportable : Yes/No**