

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

FAO No. 946 of 1993 (O&M)
Date of Decision: July 19, 2017

Sewa Ram

..Appellant(s)

Versus

Man Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.D. Gupta, Advocate
for the appellant.

Mr. V.K. Garg, Advocate
for respondent no.4-insurance company.

ANITA CHAUDHRY, J.

This is the claimants appeal seeking enhancement in the award dated 09.01.1993, passed by the Motor Accident Claims Tribunal, Sonapat.

Sewa Ram was a cloth merchant. He met with an accident on 13.08.1989. He was admitted in the hospital on 13.08.1989 and discharged 4 days later. It was claimed that he had spent Rs.10,000/- on his treatment. It was also claimed that he was earning Rs.4,000/- per month. It was pleaded that he was crippled and his face had been completely dis-figured and he was not able to see from the left eye. The Tribunal found that no medical bills were placed on record. The

MLR referred to the injuries but there was no evidence that the face had been dis-figured or the eye had been affected and the Tribunal allowed Rs.20,000/- as compensation.

Counsel for the appellant has referred to *Rajasthan State Road Transport Corpn. Vs. Alexix Sonier and anr. 2015(4) RCR(Civil) 731, Jai Prakash Vs. M/s. National Insurance Co. & Ors. 2010(2) SCC 607, Raj Kumar Vs. Ajay Kumar and anothers 2011(2_ RCR(Civil) 101 and Shashikala and others Vs. Gangalakshamma and another 2015(2) RCR(Civil) 510*. Reference to the authorities would not be relevant. Each case has to be decided on the basis of the evidence which has been led. The authorities are distinguishable on facts. It is a case based only on the oral statement. There are no medical bills. There is no disability. There is no evidence that the claimant had been dis-figured or his left eye was affected. No enhancement can be made.

The appeal is dismissed.

July 19, 2017

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No