

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

FAO No.4005 of 2008(O&M)

Date of decision: 11.8.2017

Dinesh KumarAppellant

VERSUS

Ram Lal and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.R.C. Gupta, Advocate for the appellant.

Mr. R.K. Chaudhary, Advocate for
Mr. Sukdhdeep Parmar, Advocate for respondent No.1.

None for respondent No.2.

Mr. Vinod Chaudhri, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The injured victim is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Ambala (in short 'the Tribunal') on account of injuries sustained by him in a motor vehicular accident that took place on 23.10.2006.

The Tribunal awarded an amount of Rs.1,07,000/- detailed hereunder:-

- | | | |
|----|---|-------------|
| 1. | Compensation on account of expenditure on his treatment | Rs.35,000/- |
| 2. | Compensation on account of loss of income (Rs.3000 x 4 months) | Rs.12,000/- |
| 3. | Compensation on account of pain & Suffering. | Rs.20,000/- |
| 4. | Compensation on account of attendant Charges, special diet, transportation etc. | Rs.20,000/- |

5.	Compensation on account of some distance (taking guess working at 10%)	Rs.20,000/-
	Total	Rs.1,07,000/-

Counsel for the appellant would submit that as injured suffered disability to the extent of 30%, compensation awarded on account of disability to the tune of Rs.20,000/- requires enhancement. It is further submitted that compensation allowed under other heads is also on lower side.

Counsel representing the insurance company has supported the award with the submission that assessment made by the Tribunal is based upon correct appreciation of the materials on record. It is further argued that Dr. Vijay Kumar, Orthopaedic Surgeon PW-2 examined to prove disability has deposed in his cross examination that disability was only temporary and in such cases patient was being advised physiotherapy.

I have heard counsel for the parties, perused the paper-book particularly the award.

Dr. Vijay Kumar, PW2, proved the disability certificate Ex.PA. As has been pointed out by counsel for the insurance company, he admitted that disability was only temporary. He has further deposed that generally disability is assessed after 6 months of the treatment, however, in the case at hand, they assessed disability on the written request of the patient. There is nothing on record suggestive of the fact that the appellant approached the medical board for assessment of disability on expiry of period of 6 months, therefore, it can be safely assumed that temporary disability suffered by him was no longer subsisting after the period of 6 months. Under the circumstances, there is no justification for interference in assessment of compensation made by the Tribunal.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

AUGUST 11, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned

:

yes/no

Whether reportable

:

yes/no