

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

FAO-1670-2013 (O&M)

Date of decision: 27.2.2017

Premo @ Prem Kaur

...Appellant

Versus

Amar Singh and others

...Respondents

**CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR**

Present: Mr.JS Sodhi, Advocate for the appellant

Mr.RK Chaudhary, Advocate for respondent No.1

Mr.Vipul Sharma, Advocate for respondent No.3.

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**SNEH PRASHAR, J.**

By filing the present appeal, appellant Premo @ Prem Kaur is seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Patiala (in short 'the Tribunal') vide award dated 9.12.2009 on account of injuries suffered by her in a motor vehicular accident that took place on 26.1.2005.

The submissions made by Mr.JS Sodhi, Advocate representing the appellant; Mr.RK Chaudhary, Advocate for respondent No.1 and Mr.Vipul Sharma, Advocate for respondent No.3 have been considered and record perused.

Referring to Ex.P2, learned counsel for the appellant submitted that the appellant suffered 10% permanent disability on account of shortening of left leg by 1 inch but no compensation was

allowed to her on that count. She remained hospitalised from 28.1.2005 to 4.2.2005 on account of multiple injuries suffered on forehead, right eye, left forearm, both knees, and left lower leg. Both bones of her left leg were fractured. She was stuck in the follow up treatment for months together. Submitting that only a meager amount of Rs.20,000/- on account of medical expenses and other treatment and Rs.10,000/- on account of special diet, transportation charges were allowed by learned Tribunal, learned counsel prayed for enhancement of the compensation.

Indeed, the appellant suffered multiple injuries and fracture of both bones of left leg for which she had to undergo an operation and that she remained admitted in Rajindra Hospital, Patiala from 28.1.2005 to 4.2.2005. However, the disability certificate i.e. Ex.P2 referred to by learned counsel for the appellant, is of no value because it was not proved in due process of law. None out of the members of the medical board was examined by the appellant. No doctor appeared in the witness box to say that the disability was on account of injuries suffered during the accident. The nature of disability whether permanent or temporary could also not be proved.

Further perusal of the award shows that neither any medical bill was produced nor any other document showing the expenses incurred on special diet, transportation etc. was tendered in evidence. Despite that learned Tribunal presuming that the appellant must have spent a good amount on medicines and her treatment, awarded a sum of Rs.20,000/- on that count and Rs.10,000/- for special diet, transportation

etc. which warrant no intervention.

Accordingly, the present appeal being devoid of merit is dismissed.

Since the main appeal has been dismissed and also there is a huge delay of 406 days in filing and 632 days in refiling the appeal, applications bearing CMs No.8725 and 8726-CII of 2013 are dismissed.

27.2.2017  
gsv

(SNEH PRASHAR)  
JUDGE

|                              |     |   |    |
|------------------------------|-----|---|----|
| Whether speaking / reasoned? | Yes | / | No |
| Whether reportable?          | Yes | / | No |