

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

Sr. No.218 (2 cases)

1.

FAO No.10203 of 2014

Raju @ Bhim Bahadur

....Appellant

versus

Manish Yadav and another

....Respondents

2.

FAO No. 313 of 2015

Sanjay

....Appellant

versus

Manish Yadav and another

....Respondents

Date of decision: 25.10.2017

CORAM: HO'NBLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Atul Yadav, Advocate
for the appellant(s).

Mr. Rajbir Singh, Advocate
for Insurance Company-respondent No.2.

* * *

DEEPAK SIBAL, J. (Oral)

As both the appeals being **FAO No.10203 of 2014 - Raju @ Bhim Bahadur vs. Manish Yadav and another** and **FAO No. 313 of 2015 – Sanjay vs. Manish Yadav and another** arise out of the same accident, they are being decided through the present common order.

The facts in brief which need to be noticed are that on 16.06.2013 at about 12.30 a.m., the claimants in both the afore-referred

appeals were going to their house on a motorcycle which was being driven by Raju (Appellant in FAO No.10203 of 2014). Sanjay (Appellant in FAO No.313 of 2015) was the pillion rider. However, before they could reach home, a Hyundai Verna Car bearing registration No.HR-26-BT-2566 (for short 'the offending vehicle') which was being driven by respondent No.1- Manish Yadav hit their motorcycle as a result of which, they both fell down and sustained injuries. They were admitted to Paras Hospital where they received treatment. On being discharged, they filed separate claims before the Motor Accident Claims Tribunal, Gurgaon, (for short the 'tribunal') seeking compensation under Section 166 of the Motor Vehicles Act, 1988.

In Raju's case, the tribunal awarded ₹70,000/- as compensation whereas in Sanjay's case, the awarded compensation was ₹59,000/-.

The present appeals have been filed seeking enhancement in the awarded compensation under the heads “attendant charges and special diet” as also “pain and suffering”.

A perusal of the award passed by the tribunal in Raju's case shows that for having remained admitted in the hospital from 16.06.2013 to 19.06.2013, he has been found entitled to the grant of ₹10,000/- on account of pain and suffering and ₹5000/- for attendant charges and special diet. In the case of Sanjay, he was found to have admitted in the hospital from 16.06.2013 to 20.06.2013 and under the heads “pain and suffering” and “attendant charges and special diet”, he has given the same compensation as awarded to Raju.

For having remained in the hospital for only 3/4 days; in view of the finding returned by the tribunal which remains unchallenged in the

reason that learned counsel for the appellant could not point out anything from the record to justify the claim for enhanced compensation, I consider the compensation granted by the tribunal under the afore-referred two heads to be adequate. Resultantly, no merit is found in both the appeals.

Dismissed.

(DEEPAK SIBAL)
JUDGE

October 25, 2017

Jyoti 1

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>