

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

**FAO No.3870 of 2013 (O&M)
Date of Decision: 11.10.2017**

Sachin

...Appellant(s)

Versus

Raj Kumarr and others

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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

Mr. Rajneesh Malhotra, Advocate
for respondent No.3-Insurance Company.

ANITA CHAUDHRY, J.

This is the claimants appeal for enhancement in the award dated 08.04.2013 passed by the Motor Accident Claims Tribunal, Jhajjar.

Sachin-claimant met with an accident on 11.03.2011. He remained in the hospital for a week as he had suffered a fracture but there was no disability. Bills to the tune of Rs.47,900/- were placed on record. Bills to the tune of Rs.20,000/- for physiotherapy were also filed. The Tribunal after considering all the bills for the physiotherapy, treatment and purchase of medicines found that the claimant had spent Rs.60,000/-. Besides this, Rs.8,000/- for transportation, Rs.1500/- for special diet, Rs.4000/- for the attendant, and Rs.10,000/- for loss in income was allowed.

I have heard counsel for the petitioner at great length.

Counsel contends that since there was a fracture, the amount which had been allowed for loss of income is on the lower side and he could not earn for at least 6 months. Counsel further contends that the claimant used to give tuitions and was bright.

The record shows that the claimant was just 19 years old and was a student. Though it was pleaded that he had a monthly income of Rs.6000/- per month but when the claimant stepped into the witness box, he had a different story to give. In his affidavit he had stated that he had completed his education in the Science stream from Kota (Rajasthan) and he was giving tuitions to the students of 10th class in his village. The answers he had given in the cross-examination completely demolished the fact given in the affidavit where he had stated that he was a student of B.Tech, first year and was taking coaching from Kota. Therefore, his statement that he was imparting tuitions in his village stood falsified. The Tribunal had considered all the bills and had awarded compensation on all the heads correctly.

There is no scope for enhancement. The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

October 11, 2017

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Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No