

In the High Court of Punjab and Haryana at Chandigarh

**F.A.O No. 6424 of 2013
Date of Decision: 02.8.2017**

Dinesh

.....Appellant

Versus

Ram Lakhan and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Jasbir Mor, Advocate
for the appellant.

Mr. M.B.Jain, Advocate
for respondent No. 3.

ANITA CHAUDHRY, J

This is the claimant's appeal seeking enhancement in the award dated 12.9.2013 passed by the Motor Accident Claims Tribunal, Jind.

Record had been summoned.

The submission on behalf of the appellant is that the claimant had suffered injuries on the head and he remained admitted in three different hospitals for 10 days and the Tribunal had ignored bills Ex. P-39 to Ex.P-50. The counsel further urges that there was a disability but they but were unable to obtain the disability certificate and the amount allowed is on the lower side.

The submission on behalf of the insurance company is that there was swelling on the head and the admission is only for nine days and the Tribunal had found the bills Ex. P-39 to Ex. P-50 to be suspicious as there was no corroborative material and therefore, those bills were rejected.

The counsel further submits that the claimants had suffered two lacerated wounds and there was no disability.

The MLR Ex. P-2 shows that there was abrasion over the forehead for which x-ray was advised. No x-ray report was produced on record nor it has been shown even now that there was any fracture. There is no disability either. The other two injuries are lacerated wounds, one near the left ear and other of size 1 x 1 cm, near the right leg. The bills which were produced show that implants were purchased and surgery had been effected but neither the claimant had stated that he was operated upon nor any medical officer was examined to prove that fact. The Tribunal had minutely examined the bills and had found that there was no corroborative material. A perusal of the bills which were rejected clearly show that the purchases had been made as if the patient had undergone some surgeries. Those bills appear to be doubtful and were rightly not considered.

There is no evidence to show that the injury on the head led to any disability. No amount is required to be added on any of the heads and the claimant had been adequately compensated. I would however add Rs. 15,000/- for transportation as no amount was allowed. The claimant had been shifted to a hospital in Narwana first and then to PGI, Rohtak and lastly to Maharaja Agrasen Hospital in Delhi.

As a sequel to the above, the award is modified and the appellant is allowed Rs. 15,000/- which would be paid by respondent No. 3 with interest @ 6% from December 2013 till the amount is actually paid.

The award is modified. The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

August 02, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No