

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

FAO No. 6242 of 2016 (O&M)

Date of decision: 02.11.2017.

**Kela Devi through legal heirs
versus**

...Appellant

Balwan and another

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present : Mr. Sandeep Thakan, Advocate for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

The appellant is aggrieved by the award dated 15.07.2015 passed by the learned Motor Accident Claims Tribunal, Bhiwani whereby the appellants have been awarded compensation of Rs. 83,803/- and prays for modification of the award by enhancement along with interest at the rate claimed.

2. The date of the accident is 31.05.2013. The deceased-Kela Devi received injuries when the three-wheeler bearing registration No. HR 61B-1261 in which she was travelling with her son was hit by the offending vehicle. She received injuries on her left hand, left foot and on different parts of the body. Learned counsel for the appellant states that she was operated upon though there is no evidence of such treatment except some bills produced on record as Mark 4 to Mark 30. The treatment was said to have been taken at PGIMS, Rohtak. She died months later in January 2014, but no autopsy was performed on the body to know the exact cause of death and as to what was the medical

status of the deceased between 31.05.2013 and January 2014 to know the causal connection between the injuries sustained in the accident and the cause of death.

3. The case has been treated by the learned Motor Accident Claims Tribunal, Bhiwani as an injury case and the claimant has been awarded Rs. 10,000/- for transportation, special diet and loss of income, Rs. 68,803/- as amount spent on medicines and treatment, Rs. 5,000/- for pain and suffering, and thus the total amount comes to Rs. 83,803/- as against a claim of Rs. 20 lakhs.

4. There is no clarity coming from the file or from the evidence noticed and discussed in the award or about the line of treatment from accident to death as a result of the accident. I have found hardly any illegality in the order to interfere in the quantum of compensation which have been awarded carrying rate of interest @ 7.5% per annum from the date of the filing of the claim petition till the amount is actually realized.

5. As a result, the appeal fails and is dismissed and the award is upheld. Besides, there is a delay of 299 days in filing the appeal. I find no sufficient cause or explanation in the application for the delay to condone the same and accordingly, the application is also dismissed.

November 02, 2017
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No