

FAO-1724 of 2017(O&M)
Date of Decision: 30.10.2017

Kashish

---Appellant

versus

State of Haryana and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vikram Singh, Advocate
for the appellant**

Rekha Mittal, J.

The injured-victim is in appeal seeking enhancement of compensation in respect of injuries suffered by him in a motor vehicular accident that took place on 28.1.2015.

The Motor Accidents Claims Tribunal, Karnal (hereinafter to be referred as “the Tribunal”) awarded compensation to the tune of Rs. 96,059/- detailed hereunder:-

Medical expenses Rs. 71,059/-

Pain and sufferings Rs. 25,000/-

Counsel for the appellant has submitted that Tribunal has not awarded any compensation for transportation, special diet and loss of income etc.

Perusal of findings recorded by the Tribunal in para 25 of the award would make it evident that the injured remained hospitalized with effect from 28.1.2015 to 3.2.2015. He examined Dr. Rohit Goel from Hari Hospital, Karnal. The medical expenses based upon bills/receipts/invoices

amounting to Rs. 71,059/- were reimbursed to the claimant. There is nothing on record suggestive of the fact that the injured suffered any disability due to sustaining of injuries in the occurrence. The Tribunal has awarded an amount of Rs. 25,000/- under the head 'pain and suffering'.

Taking into consideration the period of treatment as an indoor patient coupled with that the injured has not suffered any disability on account of injuries sustained in the occurrence, compensation awarded by the Tribunal under the head 'pain and suffering' would also satisfy claim of the injured qua attendant charges, special diet, transportation etc. That being so, plea of the claimant for enhancement of compensation is unfounded.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

(Rekha Mittal)
Judge

30.10.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No