

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

FAO No.8105 of 2016 (O&M)

Date of decision: 06.10.2017

VEER BHAN

...Applicant-Appellant

Versus

RAJU AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Puneet Kakkar, Advocate for the applicant-appellant.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation in respect of injuries sustained by Giani Ram in a motor vehicular accident that took place on 23.01.2012.

The Tribunal has awarded compensation to the tune of Rs.62,998/- with regard to expenses on medical treatment, payable with interest @ 7.5% per annum from the date of petition till realization.

Counsel for the appellant has submitted that compensation awarded by the Tribunal is on lower side and needs enhancement. The Tribunal has not awarded any compensation qua pain and sufferings and under various other heads available in injury cases.

I have heard counsel for the appellant, perused the paper book particularly the award dated 01.08.2015.

With regard to receipt of injuries by Giani Ram, father of the present appellant, the Tribunal in Paras 24 and 25 of the award has detailed

the evidence, both oral and documentary, adduced by the claimant with regard to medical treatment of the deceased as well as expenses incurred qua treatment. Giani Ram sustained injuries on 23.01.2012 and he passed away on 29.02.2012. The Tribunal has noticed that the claimant did not produce postmortem report in order to establish nexus between injuries sustained in the accident and death of Giani Ram. The claimant examined Dr. Rajiv Gupta PW3 who had treated injured Giani Ram but the doctor nowhere says that Giani Ram died due to injuries suffered in the accident.

Counsel for the appellant has failed to point out any materials on record in order to establish link between the injuries and death of Giani Ram to claim compensation in respect of death of Giani Ram. The Tribunal has reimbursed medical expenses on the basis of bills/invoices exhibited on record. Under the circumstances, the claimant cannot assert his right for seeking enhancement of compensation under non-pecuniary heads. In this view of the matter, contention of the appellant for enhancement of compensation is misconceived and liable to be rejected.

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.

06.10.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No