

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

FAO No.2238 of 1999
Date of Order: 06.08.2018

Anil Kumar

....Appellant

Versus

Jaswant Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. M.K. Bhatnagar, Advocate
for the appellant.

Mr. D.P. Gupta, Advocate
for the respondent/Insurance-Company.

B.S.WALIA, J (ORAL)

1. Appeal has been filed seeking enhancement of compensation awarded to the appellant by the learned Motor Accidents Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') on account of injuries sustained in an accident on 25.11.1996 due to collision between Matador No.DL-2C/7455 and Truck No.HR29-B/4402.

2. Claim petition was filed with the averments that the appellant was 20 years old at the time of accident, was unmarried, was B.A. and was working as Hindi Teacher in Saini High School, Mohindergarh, against monthly salary of ₹600/-, besides was pursuing M.A. course. In addition thereto, he was giving tuitions and was earning ₹2,000/- per month. It was claimed that due to injuries suffered on the head, left eye-brow, left leg, upper lip on the left side under the nose, he was referred to Govt. Hospital,

Gurgaon (now Gurugram), where he was examined and as per Ex.PB the following injuries were found on his person:

1. A lacerated wound 2'X1'X1/4th on left eyebrow. He was advised for x-ray of skull to ascertain the nature of the injury.
2. A lacerated wound a'X'1/2'X1/4th on the upper lip.
3. A lacerated wound 4'X1'X1/2th on the back side of scalp.
4. A lacerated wound on left leg 1/2'X1/2' with deformity. X-ray was advised for this injury.

3. It was claimed that due to the injuries sustained, the appellant was referred to Safdarjang Hospital, Delhi, where he remained admitted for 10/11 days and on being discharged from Safdarjang Hospital, the appellant went to the All India Institute of Medical Sciences, New Delhi, where he was operated upon and remained admitted w.e.f. 05.12.1996 to 31.12.1996. It was further claimed that due to injuries sustained in the accident the appellant felt giddiness and could not complete his M.A. examination. Appellant claimed to have incurred expenditure of ₹50,000/- on his treatment, ₹9600/- as taxi charges besides could not attend duty at the school for a period of five months due to the accident. Appellant also claimed that a steel rod was inserted in his leg for which he had to incur expenditure of ₹8,000/-.

4. Learned counsel for the appellant contended that, lump sum compensation of ₹ 45,000/- awarded by the Tribunal on account of pain and suffering, special diet, transportation charges, treatment expenses, loss of income etc was inadequate, therefore the same be enhanced from ₹45,000/- to at least ₹2,00,000/-.

5. Per contra, learned counsel for the respondent/Insurance Company contended that no evidence whatsoever had been led in support of the expenses incurred on the treatment nor was there any evidence with regard to the appellant working as a Hindi Teacher in Saini High School, Mohindergarh. Likewise, no evidence was led to show that the appellant was a student of M.A. except his bald statement. Only evidence led by the appellant was in the shape of statement of Medical Officer, PW-3 i.e. Ex.PB which revealed injury of lacerated wound on four parts of the body. Learned counsel contended that in the circumstances, the appellant was awarded much more than what he was entitled to, therefore no interference was warranted with the award passed.

5. I have considered the submissions of learned counsel for the parties and am of the view that no case whatsoever is made out warranting interference with the award passed by the Tribunal. Admittedly, the appellant sustained injuries in an accident on 25.11.1996. The injuries sustained as have been referred to above were as noted by PW-3, on examination of the appellant on his being brought to Govt. Hospital, Gurugram. Apart from the aforementioned statement, there is no evidence whatsoever with regard to the percentage of disability, if any, expenses incurred, surgery alleged to have been conducted, alleged insertion of steel rod, spending of ₹50,000/- on treatment besides ₹9600/ on taxi charges as also of his working in the school and having remained absent from duty for a period of 4/5 months on account of the injuries sustained. Be that as it may, the Tribunal believed the claim of the appellant and awarded a sum of ₹45,000/- under different heads. However, in the absence of any evidence

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with regard to the specific amount allegedly spent by the appellant on treatment or his having had to undergo surgery as claimed, or of steel rod having been inserted, no case whatsoever is made out warranting enhancement of the compensation awarded. Accordingly, finding no merit in the appeal, the same is dismissed as bereft of merit.

August 6, 2018

rajesh.k.khurana

**(B.S.WALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No