

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

203

FAO-1222-2001

Date of Decision:01.05.2018

Beer Singh**.....Appellant****Versus****Hans Raj and others****.....Respondents****CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.**

**Present: Ms. Kamal, Advocate and
Mr. Adarsh Jain, Advocate, for the appellant.**

**Mr. Rohit Goswami, Advocate and
Mr. Vinod Chaudhri, Advocate,
for respondent No.3-Insurance Company.**

HARI PAL VERMA, J.(Oral)

The appellant has filed the present appeal seeking enhancement of compensation over and above the amount awarded by learned Motor Accident Claims Tribunal, Faridabad (for short “the Tribunal”) vide award dated 11.10.2000.

In a claim petition filed under Section 166 of the Motor Vehicles Act, 1988, on account of injuries suffered by the claimant, the Tribunal has awarded a total compensation of ₹21,689/- along with interest @ 12% per annum from the date of claim petition till its realization.

Not satisfied with the aforesaid amount of compensation, the claimant has filed the present appeal, seeking enhancement of compensation.

The appellant suffered injuries in the motor vehicular accident, which took place on 11.02.1997 when he was travelling in the offending bus

from village Gulawad to Hassanpur. PW3-Dr. Ravinder Sabharwal of

Jeewan Nursing Home, New Delhi, has proved the fact that the claimant was admitted in Jeewan Nursing Home on account of injuries sustained by him. PW3 has stated that the claimant sustained fracture of pelvic in the accident and remained under hospitalization from 11.02.1997 to 01.03.1997. Exs.P8 to EX.P27 are the medical bills for an amount of ₹1,689/-.

Learned counsel for the appellant has argued that the claimant remained admitted in the hospital from 11.02.1997 to 01.03.1997. Therefore, he should have been awarded higher compensation on account of pain and suffering, attendant charges and shortening of leg.

On the other hand, learned counsel for respondent No.3- Insurance Company has argued that the Tribunal has already awarded adequate compensation and there is no scope for further enhancement of compensation.

I have heard the learned counsel for the parties.

The plea of the appellant that there is shortening of leg has not been proved by him before the Tribunal as PW3-Dr. Ravinder Sabharwal of Jeewan Nursing Home, New Delhi, where the claimant remained admitted, has nowhere stated in his statement that there was shortening of leg. The Tribunal has already awarded ₹20,000/- on account of pain and suffering, which he has suffered in the accident. Therefore, this Court does not find any illegality in the impugned award dated 11.10.2000 passed by the Tribunal.

Dismissed.

May 01, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No