

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

FAO No.4812 of 2002 (O&M)

Date of decision: 30.04.2018

Daya Singh

... Appellant

versus

Sham Lal and ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Namit Sharma, Advocate
for the appellant.

Hari Pal Verma, J.(Oral)

The claimant has filed the present appeal seeking enhancement of compensation over and above the amount awarded by the Motor Accident Claims Tribunal, Karnal (in short 'the Tribunal') vide award dated 17.07.2002.

The appellant filed a claim petition under Section 166 and 163A of the Motor Vehicles Act, 1988 for grant of compensation on account of injuries suffered by him in a motor vehicular accident, which took place on 02.04.2000. The Tribunal, after considering all aspects awarded a total compensation of Rs.7,500/- along with interest @ 9% per annum from the date of filing of the petition till its realisation.

Learned counsel for the appellant has argued that the appellant Daya Singh suffered injuries in the accident and his rib was fractured.

I have heard learned counsel for the appellant.

As per the MLR Ex.P-5, the appellant suffered only one injury. The claimant made the statement before the Tribunal that he remained admitted in General Hospital, Karnal and thereafter he remained admitted in private hospital. It is not clear that how the Tribunal found that the

appellant is entitled to compensation of Rs.7,500/-. Dr. K.K.Seth, who has stated that the wife of the appellant was admitted on 11.04.2000 and was discharged on 20.04.2000 but in his statement, he nowhere had stated that the appellant remained admitted in the hospital. Accordingly, on the basis of the statement of doctor, the Tribunal recorded that Daya Singh never remain admitted in the hospital. Learned counsel for the appellant during the course of arguments has produced the photocopy of the prescription slips issued by the Medical Officer, General Hospital, Karnal to substantiate the fact that the claimant was admitted on 02.04.2000 and discharged on 11.04.2000 for chest injury and rib fracture.

Since the claimant has failed to adduce any evidence that he has suffered injury in the accident before the Tribunal, this Court does not find any reason to interfere in the award passed by the Tribunal.

Accordingly, the present appeal is dismissed.

30.04.2018
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(HARI PAL VERMA)
JUDGE

1. Whether speaking/non-speaking? Yes/No
2. Whether reportable? Yes/No