

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

FAO No. 4394 of 2001
DECIDED ON: NOVEMBER 13, 2018

SATYAWAN

.....APPELLANT

VERSUS

SUKH DEV SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep Kotla, Advocate
 for the appellant.

 Mr. Shrey Goel, Advocate
 for respondent No. 2(A)

 Mr. Govind Rana, Advocate for
 Mr. Harkesh Manuja, Advocate
 for respondent No. 2(b)

AVNEESH JHINGAN, J (ORAL)

The present appeal has been filed against the award dated 18.09.2001, passed by Motor Accident Claims Tribunal, Panipat (for short 'the Tribunal'). The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for brevity 'the Act') was filed by Satyawar son of Bal Kishan.

2. The Appellant (Satyawar) was driver in Haryana Roadways. In a motor vehicular accident that occurred on 23.01.1998, appellant-Satyawar sustained injuries. The truck bearing registration No. HRJ-8179 was the offending vehicle.

3. The Tribunal after considering the facts and appreciating the evidence adduced, awarded a compensation to the tune of ₹1,09,763/- alongwith interest @9% per annum. The amount awarded includes ₹44,813/- spent on medicines, ₹20,000/- towards pain and suffering, ₹4950/- on account of transportation. There was permanent disability of 20% qua limb and an amount of ₹40,000/- was awarded for permanent disability.

4. The present appeal has been filed for enhancement of the compensation.

5. Learned counsel for the appellant contended that it is evident from the statement of Dr. Satish Chaudhary, PW-1 that he examined the appellant on 08.06.1998 and appellant was under treatment with the said doctor for revision of operation as he was having fracture in right thigh bone. He further contended that the appellant remained on leave for one year. The grievance is that the amounts awarded by the Tribunal under various heads are on lower side.

6. Learned counsel for respondents No.2(A) and 2(b) argued that the accident took place on 23.01.1998 whereas, the evidence adduced by the appellant with regard to treatment is of June 1998. The said query was raised by this Court vide order dated 04.08.2016. The counsel for the appellant took time to inspect the record as from perusal of record, it appears that there is no medical evidence with regard to the nature of treatment given to the appellant in January 1998. He further argued that no case for enhancement of compensation is made out.

7. Heard learned counsel for the parties, perused the paper book and record.

8. No challenged has been made to the amount awarded for

permanent disability, as there is no proof that it effected the functional ability of the appellant.

9. The entire claim of the appellant for enhancement of compensation is based on the ground that the treatment for the injuries suffered in the accident continued even upto June 1998. From the evidence adduced, it is not forthcoming that the appellant was being treated in June 1998, by Dr. Satish Chaudhary, for the injuries suffered in the accident that took place in January 1998. Rather, in his cross examination, Dr. Chaudhary specifically stated that his record nowhere mentions that the injuries of the patient were because of the alleged accident.

10. There is no dispute with regard to the fact that the appellant met with an accident and suffered some injuries. The Tribunal has considered the said fact and awarded just and equitable compensation. The appellant has not been able to substantiate that the one year leave availed, was without pay. There is nothing on record to show that his functional abilities were affected and that the injuries suffered by him had any effect on his job prospects or future promotion.

11. In such circumstances, no case is made out for enhancement of compensation.

12. Dismissed.

NOVEMBER 13, 2018
sham

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>