

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

F.A.O. No.3164 of 2012 (O&M)

Date of Decision: 27.04.2018

Parag

....Appellant (s)

Versus

Manfat Ali & others

Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Dharam Chand Mittal, Advocate
for the appellant(s).

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate
for respondent no.3-Insurance Company.

HARI PAL VERMA, J. (Oral)

The appellant-claimant has filed the present appeal seeking enhancement of compensation over and above the amount awarded by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri, (for short, “the Tribunal”) vide award dated 13.10.2011.

As per the claim petition, on 14.06.2001, one Vipin Sharma was driving the car in which appellant-Parag, Krishna Gupta and other co-passengers were travelling. They sustained injuries in the accident.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, on account of injuries suffered by the appellant-claimant, the Tribunal has awarded a total compensation of ₹20,000/- along

with interest @ 7.5% per annum from the date of filing of the petition till its realization.

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

Learned counsel for the appellant has argued that on account of injuries suffered by the appellant, he was admitted in hospital on 14.06.2001 with facial injury and laceration on the right upper eye-lid, forehead, lip and chin with multiple lacerations superficial on the right cheek. The appellant remained admitted in hospital upto 16.6.2001. He was again admitted in the hospital on the same day and remained admitted till 18.6.2001. Learned counsel has submitted that the appellant while appearing as PW-1 has proved the bill, but it did not include the expenses on account of purchase of medicines and other tests and thus, inadequate compensation has been awarded and the same deserves to be enhanced.

I have heard learned counsel for the appellant and perused the impugned award.

The claimant has produced the medical bills for a total sum of ₹7,680/- i.e. ₹3,900/- vide bill Ex.PW1/A and ₹3,780/- vide bill Ex.PW1/I to Ex.PW1/O. Though the claimant has claimed that he was pursuing Chartered Accountancy at the time of accident, but no evidence has been adduced to that effect. Whatever evidence the appellant has adduced in support of the medical bills, has been awarded to him and in addition, another amount of ₹10,000/- has been awarded towards 'Special diet and

follow up treatment including transportation'. A further sum of Rs.2,000/- has been awarded towards 'pain and sufferings'.

Therefore, this Court finds that the Tribunal has adequately compensated the appellant on account of the injuries suffered by him in the accident and no evidence has been brought on record to justify further enhancement of compensation so granted by the Tribunal.

Accordingly, the present appeal is dismissed.

April 27, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No