

204.

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

FAO-2017-2014

Date of decision:08.01.2018

MANOJ KUMAR

... Appellant

versus

MUKESH KUMAR & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Bhagyashri, Advocate, for
Mr. Vinod S. Bhardwaj, Advocate,
for the appellant.

Ms. Vandana Malhotra, Advocate,
for respondent No.3-Insurance Company.

HARI PAL VERMA, J.(Oral)

Appellant-claimant has filed the present appeal seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Narnaul (for short, 'the Tribunal') vide order dated 23.12.2013.

Briefly stated, on the intervening night of 08/09.05.2013, Deepak Kumar (since deceased) along with Manoj Kumar (appellant herein), after taking tea were coming from Railway Station, Mohindergarh to the shop of Naveen Kumar (where they were working as carpenters), on the motorcycle bearing No.HR-19C-6169. The motorcycle was being driven by Deepak Kumar on his extreme left side of the road, at a moderate speed. At about 1 AM when they reached near canal (nahar) Colony, Mohindergarh, a commander Jeep bearing No.HR-34-9594 being driven by its driver-Mukesh Kumar (respondent No.1 herein) in a rash, negligent, zig

opposite side and hit the aforesaid motorcycle. As a result thereof, both the occupants of the motorcycle fell down and sustained injuries on their person. In the said accident, Deepak Kumar succumbed to the injuries. For the injuries received in the accident, the Tribunal awarded ₹10,000/- to the appellant.

Dissatisfied with the aforesaid award, the appellant has filed the present appeal for enhancement of compensation.

Learned counsel appearing on behalf of the appellant has argued that the Tribunal has failed to appreciate that the appellant was 22 years of age and suffered pain and sufferings on account of injuries caused to him in the accident. The Tribunal has not awarded adequate compensation on account of his sufferings which includes loss of income during the period of his treatment. No compensation has been awarded towards special diet, attendant's charges, transportation expenses, future medical expenses etc. Even the Tribunal has not reimbursed the medical payments to the appellant which he has incurred on account of his hospital bills.

On the other hand, learned counsel appearing on behalf of respondent No.3-Insurance Company has argued that since the appellant-claimant has failed to adduce any evidence in support of his claim, the Tribunal has rightly awarded the compensation of ₹10,000/- solely on sympathetic consideration though no injury was reported to the appellant in the aforesaid accident.

I have heard learned counsel for the parties.

No doubt the claimant while appearing as PW2 has deposed

that he has sustained injuries on his person in the accident and he was

thereafter taken to Civil Hospital, Mohindergarh, and after getting first-aid he was referred to some specialized hospital, but since the appellant has not been able to produce any such material which can substantiate his claim, the Tribunal has awarded symbolic compensation of ₹10,000/- which is further based on sympathetic consideration. Therefore, no ground for interference is made out.

Accordingly, appeal is dismissed.

(HARI PAL VERMA)
JUDGE

08.01.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.