

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

FAO No.3065 of 2015 (O&M)
Date of decision: 16.05.2018

Kamal

.... Appellant

Versus

Bijender Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Avneesh Jhingan, J.

The present appeal has been filed against award dated 18.12.2014 passed by Motor Accidents Claims Tribunal, Kaithal (hereinafter referred to as 'the Tribunal').

The appellant met with a motor vehicular accident on 16.02.2013. He was coming from Ferozepur Jhirka Mewat and had informed his family members telephonically that he will reach at about 7.00 p.m. His brother Pawan reached at Titram turn of road on motorcycle bearing registration No.HR-8N-4232 to take him home. When they started for their house and turned towards Peoda Gate, a car bearing registration No.HR-8M-1188 (for short, 'the offending vehicle') hit the motorcycle. The car was being driven in a rash and negligent manner. As a result of impact, both the occupants fell down on Katcha brim of the road and sustained multiple injuries. They were shifted to Civil Hospital. From there, the appellant was shifted to PGI. FIR was registered.

A claim petition under Section 166 of Motor Vehicles Act, 1988 (for short, 'the Act') was filed.

The Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle. The owner, driver and insurer of the offending vehicle were held jointly and severally liable to pay compensation. The Tribunal awarded a sum of Rs.28,635/- along with interest @ 7% per annum. The amount awarded included Rs.5,000/- for transportation and pain and suffering and Rs.2,000/- for special diet and other expenses of attendant etc.

The present appeal has been filed for enhancement of compensation.

In the award, it has specifically been stated that the appellant was permanently disabled, neither any oral evidence or documentary evidence was produced to prove the injuries. Even the details of injuries suffered by the appellant are not mentioned. The period of hospitalisation is also not coming forth on record. The medical bills which were produced before the Tribunal as exhibit were considered and accordingly reimbursed. The accident is of the year 2013, the award is 18.12.2104. The appeal in this Court was filed in the year 2015. The appeal remained pending at the initial stage as same was not argued and was adjourned either on request of learned counsel for the appellant or because of his non presence. Even today i.e. after more than 5 years of the date of accident, no evidence has been produced to show that the appellant suffered any disability or giving the details of injuries suffered by him.

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

The appeal is hereby dismissed.

16.05.2018
anju

(AVNEESH JHINGAN)
JUDGE

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| 1. Whether the order is speaking/reasoned: | Yes/No |
| 2. Whether the order is reportable : | Yes/No |