

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

FAO No. 5325 of 2014

Date of decision:- 26.04.2018

Kartar Singh

---Appellant.

Versus

Rotash and Others

---Respondent(s).

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Rishav Jain, Advocate,
for the appellant.

Mr. Amrinder Singh Sidhu, Advocate,
for respondent No.3-Insurance Company.

AVNEESH JHINGAN J. (Oral)

The present appeal arises from the award dated 31.01.2014 passed by Motor Accident Claims Tribunal, Jind (for short 'the Tribunal').

On 30.10.2011, a motor vehicular accident took place when Kartar Singh, aged 48 years, was traveling in a Fortuner (Toyota) bearing registration No.HR-33-B-4444 (herein after referred as the 'offending vehicle' for brevity). The front tyre of the left side of the offending vehicle bursted and vehicle lost its balance, it over turned and struck against the tree. In the said accident, appellant suffered fracture of pelvic and subtrochantic fracture of femur. He was taken to Prem Hospital, Panipat. In this regard, a DDR No.22 dated 03.11.2011 was got registered.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 was filed.

The appellant proved that he remained indoor patient in the hospital from 30.10.2011 to 21.11.2011. It was claimed that he spent Rs.2 lacs on his treatment. He was a Government employee. The Tribunal awarded a sum of Rs. 80,000/- along with interest at the rate of 7% per annum.

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

Learned Counsel for the appellant argued that, the appellant had spent Rs.1,73,000/- for medical expenses but reimbursement was only made of Rs.49,500/- and the Tribunal failed in appreciating the fact that the appellant spent Rs. 1,23,500/- from his pocket. His further grievance is that the amount awarded under the various heads is on the lower side.

The claim regarding medical expenses is not well founded. It has been specifically recorded by the Tribunal that no original bills of medical expenses were produced. Even today none has been produced. No reasons or evidence was adduced to show, as to why the claim of medical expenses was only restricted to Rs.49,500/-. In such circumstances, there was no occasion before the Tribunal to consider the claim of medical expenses. There is no permanent disability. It has also not come on record that the working ability of the appellant has not suffered due to the injuries sustained in the accident.

Keeping in view the nature of the injuries and the fact that the appellant had remained hospitalized for almost 22 days and thereafter, also he was underwent treatment, a sum of Rs.20,000/- is awarded over and above the amount already awarded by the the Tribunal. It is clarified that while awarding lump sum enhanced amount, interest to be awarded under

Section 171 of the Act has been taken into consideration.

Accordingly, the present appeal is partly allowed to the above extent.

26.04.2018

Riya Grover

(AVNEESH JHINGAN)

JUDGE

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