

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

**FAO No.3455 of 2016 (O&M)
Date of Decision :06.12.2018**

Rinku Singh

....Appellant

VERSUS

Maninder Pal Singh @ Kinny and another

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Rajbir Singh, Advocate for the appellant.

Mr. Mukesh Garg, Advocate for the respondents.

B.S. WALIA, JUDGE (ORAL).

CM No.12447-CII of 2016

For the reasons as are mentioned in the application, delay of 76 days in refilling of the appeal is condoned.

CM stands disposed of.

FAO No.3455 of 2016 (O&M)

1. Appeal has been filed by the appellant seeking enhancement of compensation of ₹42,656/- i.e ₹12,656/- on account of medical expenses incurred and ₹30,000/- on account of special diet, pain and suffering, transportation, attendant and some future medicines.

2. Learned counsel for the appellant contended that the appellant sustained injuries in a motor vehicular accident on 4.12.2013 as a result of which he remained hospitalized from 6.12.2013 to 10.12.2013 during which period, he

underwent surgery for insertion of plates in his thigh. Learned counsel contends

that the compensation awarded is inadequate and the same is liable to be enhanced.

3. Per contra, learned counsel for respondents contended that just and proper compensation has been awarded and there were no circumstances warranting interference with the award.

4. Learned counsel for the appellant contended that despite evidence of PW-3 i.e. Dr. Hargurwinder Singh that ₹8,000/- was the surgery charges whereas the total expenditure was about ₹40,000/- to ₹45,000/- yet only a sum of ₹12,656/- had been awarded on account of medical expenses. However, a perusal of paragraph No.16 of the award reveals that the Tribunal assessed a sum of ₹12,656/- on the basis of medical bills proved on record as Ex.C1 to Ex.C10, Ex.C17, Ex.C19 and Ex.C21. Despite query, learned counsel for the appellant has not been able to refer to any medical bills in support of the plea of having incurred expenses more than the sum awarded i.e. ₹12,656/-.

5. In the circumstances, the plea for enhancement of compensation towards medical expenses in terms of the statement of PW-3 is found to be without merit and is accordingly rejected.

6. Learned counsel for the appellant further contended that a lumpsum of ₹30,000/- had been awarded on account of special diet, pain and suffering, transportation, attendant and some future medicines which was inadequate and the same was liable to be enhanced.

7. I have considered the submissions of learned counsel for the appellant but find that the same is also without merit as learned counsel for the appellant has fairly conceded that there is no evidence with regard to the disability suffered by the appellant. It is also an admitted fact that the appellant remained

admitted in Rajinder Hospital from 4.12.2013 to 6.12.2013 and thereafter, from 6.12.2013 to 10.12.2013 in Sukhmani Orthopedic and General Hospital, Nabha. In other words, the appellant remained hospitalized for six days. Although the break up on account of award of compensation on different heads has not been given yet in the circumstances, especially of there being no proof with regard to disability suffered as well as the number of days for which the appellant remained admitted, I am of the view that the sum of ₹30,000/- awarded in respect thereto is just and proper and does not warrant any interference.

9. Accordingly, finding no merit in the appeal, the same is dismissed.

December 06, 2018
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No