

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

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Date of decision: 06.09.2018

FAO No. 3833 of 2016 (O&M)

Vijay Singh

..... Appellant

Versus

Ramesh Ram and another

..... Respondents

FAO No. 6378 of 2016 (O&M)

Vijay Singh

..... Appellant

Versus

Ramesh Ram and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. B K Bagri, Advocate
 for the appellant

Mr. Satpal Dhamija, Advocate
for the insurance company

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Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals as these have emerged out of the same award whereby compensation has been awarded on account of receipt of injuries by Vijay Singh and damage to Toyota Qualis bearing No. HR 19B 0750.

FAO No. 3833 of 2016

CM 12975-CII of 2016

Prayer in this application is for condonation of delay of 50 days in filing the appeal.

In view of averments made in the application supported by an affidavit and arguments advanced, the application is allowed and delay of 50 days in filing the appeal stands condoned.

Main case

The Tribunal has awarded compensation of Rs.47,872.00,

detailed hereunder:-

Medical expenses	Rs.37,872.00
Pain and suffering	Rs.10,000.00

Counsel for the appellant would urge that the injured remained hospitalized from 07.02.2013 to 10.02.2013 but the Tribunal has not awarded any compensation qua loss of income, transportation and services of an attendant etc.

Counsel representing the insurance company has supported the award.

Perusal of medical Certificate Ex. P5 and discharge Card Ex. P6 would show that the same does not make reference to nature of injuries sustained by the victim but there is evidence with regard to medical treatment given to the injured. In the given circumstances, claimant is allowed additional amount of Rs.4,000.00 qua loss of income, service of an attendant and special diet etc., payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

FAO No. 6378 of 2016

The claim of the appellant with regard to damage to vehicle Toyota Qualis bearing No. HR-19B-0750 has been rejected, in view of discussion in paras 22-23 of the award.

Counsel for the appellant has not disputed factual findings recorded by the Tribunal that the vehicle in question was not registered in the name of appellant on the day of accident nor he had produced document to prove that he had applied to RTA, Bhiwani for transfer of vehicle in his name. The other documents brought on record are stated to be not in the name of appellant. That being so, I do not find an error much less illegality in findings of the Tribunal rejecting claim of the appellant for grant of

compensation qua damage to the vehicle in question.

For the foregoing reasons, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

06.09.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No