

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

F.A.O No. 7555 of 2014

Date of decision:- 15.01.2018

Anil Kumar

...Appellant

Versus

Pardeep Kumar @ Golia and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Bhawna Grewal, Advocate
for the appellant

Mr J.P. Sharma, Advocate
for respondent No. 2

Mr Lalit Garg, Advocate
for respondent No. 3-Insurance Company.

RITU BAHRI J. (Oral)

C.M. No. 20207-CII-2014

For the reasons mentioned in the applications, delay of 66 days
in filing of the appeal is hereby condoned.

The application stands disposed of.

F.A.O No. 7555-2014

1. The present appeal has been preferred by the claimant-appellant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Narnaul (for short, 'the Tribunal') to the tune of Rs.44,500/- vide impugned award dated 13.02.2014.

2. The facts which are not in dispute are that on 27.03.2013, the appellant was paddling his cycle and was going from his house to village Kojinda. At about 2.30/2.45 p.m, when he reached near Dayal Nagar on

Behror road, then a motorcycle bearing registration No. HR-35-F-4085, which was driven by respondent No. 1 in a rash and negligent manner, hit against the cycle of the appellant from behind, as a result of this he fell down and sustained multiple and grievous injuries on his body. F.I.R was also registered in this regard.

3. The Tribunal awarded Rs.12,000/- on account of pain and suffering, Rs.8000/- on account of expenditure incurred on special diet, attendant and transportation, Rs.15000/- towards cost of treatment, Rs.8000/- towards loss of income and Rs.1500/- on account of damage of cycle.

4. The only argument raised by learned counsel for the claimant-appellant is that the appellant was having disability of 4% as per Ex P-8 and the Tribunal has not awarded anything on account of this disability.

5. This argument is liable to be rejected as no doctor was examined by the appellant to show that he was having disability of 4%. There was no certificate to show that the disability was permanent in nature.

6. In view of the above factual position, no interference is required in the award dated 13.02.2014 passed by the Tribunal.

15.01.2018

G Arora

Whether speaking/reasoned
Whether reportable

(RITU BAHRI)
JUDGE

Yes
No