

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.7219 of 2015

Date of decision:- 16.03.2018

Mohan Lal

...Appellant

Versus

Ajesh Goel and Others

...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Harish Bhardwaj, Advocate, for
Mr.Namit Khurana, Advocate, the appellant.

Ms.Kiranjit Kaur, Advocate, for
Mr.T.S.Grewal, Advocate, for respondents No.1 and 2.

Mr.D.K.Prajapati, Advocate, for respondent No.3.

RITU BAHRI J. (Oral)

CM No.22699-CII of 2015

For the reasons stated in the application, delay of 16 days in filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 24.04.2015, passed by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari (for short, 'the Tribunal') vide which compensation to the tune of Rs.14,245/- was awarded to the claimant on account of injuries suffered by him.

Learned counsel for the respondent No.3 submits that the learned Tribunal had awarded the compensation is just and reasonable and no modification is required to be made.

A perusal of the paragraph 15 of the impugned Award shows that PW3 Dr.Dinesh Kaushik, Medical Officer, Kohli Hospital stated in his statement that claimant Mohal Lal was admitted in Kohli Hospital, Jagadhari on 13.12.2012 with infected non-union fracture of both bones right leg. He

was operated and external fixator was applied after sequestrectomy and

debridement was done and after treatment he was discharged on 29.12.2012. The cash memo of medicines Ex.P1 to Ex.P-18 relate to the period July 2012, January 2013, February 2013, March, 2013, May, 2013, August 2013, March, 2014 and June 2014. Ex.P19 was the medical bill in the sum of Rs.26,800/- dated 29.12.2012, Ex.P-20 was the medical bill in the sum of Rs.8,800/- dated 29.08.2013 relating to Kohli Hospital Jagadhari. The other bills were Ex.P23 to Ex.P27 relating to December 2012 and August 2013. Ex.P31 was the bill dated 16.12.2012 as referred from Kohli Hospital, Jagadhary. Ex.P32 and Ex.P33 are X-Ray receipt from Krishna Hospital dated 11.09.2014. Ex.P34 and Ex.P35 are the cash memos of medicines dated 19.09.2014 and 16.08.2014. In Ex.P38 the portion of date had been torn. It is apparent on the record that neither any medical bill was relating to the date 16.04.2012 nor any treatment was shown on that date. As already observed, the learned counsel for the claimant was required to prove by sufficient and cogent evidence that the claimant had suffered grievous injuries i.e. fracture of right leg in the said accident. The admission in Kohli Hospital, Jagadhary in the month of December, 2012, April, 2013 and August 2013 do not correspond with them injury suffered by the claimant on 16.04.2012 in the accident. Hence, the amount spent by Mohan Lal on his treatment in Kohli Hospital, Jagadhari, was not awarded as the claimant did not produce any doctor who had treated him in Kohli Hospital from December 2012. However, all the bills with regard to treatment in Kohli Hospital have been reimbursed w.e.f. April 2012 to December 2012. Even in the present appeal there is total lack of evidence with regard to treatment in Kohli Hospital, no further modification is required to be made.

So in the light of the evidence and materials on record, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

16.03.2018

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(RITU BAHRI)
JUDGE

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