

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

FAO No.6216 of 2016(O&M)

Date of decision: 13.7.2018

ShamsherAppellant

VERSUS

Tarsem and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL, J. (Oral)

CM No.21131-CII of 2016

Prayer in this application is for condoning delay of 35 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Shamsher – appellant, the application is allowed. Delay of 35 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.6216 of 2016

The claimant is in appeal seeking enhancement of compensation qua injuries sustained in a motor vehicular accident that took place on 25.09.2014.

The Motor Accidents Claims Tribunal, Karnal (in short 'the Tribunal') has awarded compensation of Rs.1,56,050/- rounded off to Rs.1,56,000/- on the basis of discussion recorded in paras 18 to 20 of the award.

The sole submission made by counsel for the appellant is that the claimant produced on record medical bills Ex.P5 to P8 valuing Rs.92,450/- but the Tribunal has not reimbursed bills Ex.P7 and P8 of more than Rs.50,000/- and the claimant is entitled to medical expenses on the basis of those bills as well.

The Tribunal, in para 18 of the award, has dealt with the issue of reimbursement of medical expenses. The claimant tendered into evidence medical bills Ex.P5 to P8, OPD slips Ex.P9 and P10 and discharge summary issued by Sh. Hari Hospital Ex.P11. He did not examine the doctor to prove if the medicines mentioned in bills Ex.P7 and P8 were prescribed or were required for consumption in regard to the treatment given to the patient. It has been noticed by the Tribunal in para 18 itself that neither any date is mentioned on bills Ex.P7 and P8 nor it is recorded as to in whose favour these bills were issued by the hospital. Once the claimant failed to connect the bills in questions with regard to treatment qua injuries sustained in the occurrence, no error can be found in findings of the Tribunal rejecting plea of the claimant for grant of compensation on the basis of bills Ex.P7 and P8. I have examined the award but find no justification for enhancement of compensation under any other head. The Tribunal has shown magnanimity allowing compensation of Rs.48,600/- for loss of income for a period of six months and Rs.50,000/- for physical pain and agony.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

JULY 13, 2018

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no