

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

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Date of decision: 21.12.2018

FAO-9792-2014 (O&M)

SUKHBIR SINGH

... Appellant

Versus

PAWAN KUMAR

... Respondent

FAO-102-2015 (O&M)

SHIAM LAL (DECEASED) THR LRS

... Appellants

Versus

PAWAN KUMAR

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Kanwaljeet Singh, Advocate for the appellant(s).

Ms. Monika Jangra, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.9792 of 2014 and 102 of 2015 as these have emerged out of the same accident in which Sukhbir Singh and Shiam Lal (since deceased) sustained injuries on account of rash and negligent driving of three wheeler bearing No.HR-37-C-0645 driven by Pawan Kumar, its owner on the fateful day.

FAO No.9792 of 2014

The Tribunal has awarded compensation of Rs.7000/-, detailed hereunder:-

1. Medical expenses	Rs.5000/-
2. Pain and sufferings	Rs.1000/-
3. Special diet	Rs.1000/-

The Tribunal, in para 12 of the award, has noticed that the claimant did not produce treatment card or prescription slip to show nature of injuries sustained much less to prove that there was fracture of right leg, right hand and other multiple injuries. Indisputably, the doctor was not examined and even no bill with regard to medical expenses has been produced/proved. In the given circumstances, there is no justifiable reason

to allow compensation more than what has been assessed by the Tribunal.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

FAO No.102 of 2015

The Tribunal has awarded compensation of Rs.7000/-, detailed hereunder:-

1. Medical expenses	Rs.5000/-
2. Pain and sufferings	Rs.1000/-
3. Special diet	Rs.1000/-

In the light of discussion made in FAO No.9792 of 2014, there is no justification for enhancement of compensation.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

21.12.2018

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Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)

JUDGE

Yes / No
Yes / No