

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.557 of 2017

Date of Decision.10.01.2018

Lilu Ram

.....Appellant

Vs

Shiv Kumar and another

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.K. Saini, Advocate
for the appellant.

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AMIT RAWAL J.(ORAL)

The present appeal has been preferred by the claimant for enhancement of compensation for injuries received by him in a motor vehicular accident occurred on 6.11.2014, accompanied by an application for condonation of delay of 172 days.

Learned counsel for the appellant submitted that on account of aforementioned accident, the appellant got fracture of supra condylar right femur, tibia right side and volar bartyon right side. The fractures were reduced by performing surgeries and he was discharged on 9.11.2014. The Tribunal while assessing the compensation provided ₹66,000/- for medical expenses, ₹25,000/- for pain and suffering, ₹5000/- for special diet & transportation and ₹2000/- for loss of amenities of life, in total a compensation of ₹98,000/- was awarded.

He further submitted that the Tribunal has grossly erred in awarding a meager amount of ₹25,000/- towards pain and suffering whereas keeping in view the injuries/fractures suffered by the appellant, it ought to have provided ₹50,000/- for pain and suffering. It did not assess any amount for future loss of earning as he was an agriculturist and would not

be able to work in the same manner as he was doing prior to accident on account of injuries suffered by him. The amount assessed towards special diet, transportation and loss of amenities of life are also on lower side, thus, there is scope for enhancement.

I have heard learned counsel for the appellant, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Saini, for, there is no evidence brought on record as to how the injuries suffered by the appellant impacted his functioning ability, much less, no permanent disability was assessed by the Board of Doctors.

In the absence of the same, nothing can be provided for future loss of earning. The appellant remained hospitalized for three days and for that an amount of ₹25,000/- has been provided for pain and suffering, which in my view is sufficient. The amount provided towards special diet and transportation is also sufficient.

The appeal has been preferred with a delay of 172 days and no satisfactory explanation has come forth for occurrence of the same.

In view of the aforementioned, I do not find any reason to interfere with the well reasoned award passed by the Tribunal and the same is upheld. Resultantly, the appeal stands dismissed on account of both delay and merits.

(AMIT RAWAL)
JUDGE

January 10, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No