

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

FAO-467-2018

Date of decision: 20.11.2018

Ajab Singh

.... Appellant

Versus

Mandeep Sheoran and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Naresh Kumar, Advocate
for the appellant.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 27.10.2017 passed by Motor Accident Claims Tribunal, Panipat (hereinafter referred to as the 'Tribunal') seeking enhancement of compensation.

The brief facts of the case are that on 05.01.2014, the appellant was going to his house from village Narayana after leaving his relatives. When he reached near Canal Bridge, Sewah Dahar Bye-pass Chowk, he was hit by a rashly and negligently driven car bearing registration No.HR-36R-7179 (for brevity, 'the offending vehicle'). As a result of the accident, he suffered injuries on various parts of his body. He was taken to Raghudeep Hospital, from there, he was referred to Government Hospital, Panipat. FIR No.4 dated 06.01.2014 was registered at Police Station, Israna.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for brevity, 'the Act') was filed.

The Tribunal, after considering the facts and on appreciating the evidence produced, held that the accident occurred due to rash and

negligent driving of the offending vehicle. The insurer of offending vehicle i.e. ICICI Lombard General Insurance Company Ltd., owner and driver were held jointly and severally liable to pay the compensation. The Tribunal awarded a sum of ₹25,000/- along with interest @ 8% per annum.

Learned counsel for the appellant contended that the amount awarded by the Tribunal is on the lower side.

The contention raised by learned counsel for the appellant deserves rejection. No evidence was adduced before the Tribunal to show the nature of injuries suffered by the appellant. Even from perusal of the MLR, which was conducted after one day of the accident, there was no proof of bone injury or admission of the appellant in the hospital. He only took a treatment from Ayurvedic doctor, even the said doctor never deposed before the Tribunal.

There is nothing on record to show that the appellant was deprived from his functioning as a legal practitioner due to the injuries sustained in the accident. The Tribunal while awarding the compensation has taken into consideration the amount spent by the appellant on treatment. In the absence of any cogent evidence regarding the expenses incurred or the nature of injury, no case is made out for enhancement of compensation.

The appeal is hereby dismissed.

(AVNEESH JHINGAN)
JUDGE

20.11.2018
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1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : No