

FAO No.104 of 2009 (O&M)

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

FAO No.104 of 2009 (O&M)
Date of decision: 05.09.2019

Sukhwinder Singh

.....Appellant

versus

Sabi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Ms. Urvashi Singh, Advocate,
for Mr. A.S. Gill, Advocate, for the appellant.
None for respondent No.1.

RAMENDRA JAIN, J. (ORAL)

As per office report, notices issued to respondents No.2(b) and 2(d) have been received back with the report that they were found to have gone abroad and affixation was made. Notice issued to respondent No.2(c) has been received back with the report that he did not meet at the time of service and affixation was made. Vide order dated 01.05.2018, service of aforesaid respondents was ordered to be effected through affixation, which has duly been done. However, none has come forward to represent them. Therefore, finding no option, they are proceeded ex parte.

Through this appeal, claimant has sought enhancement of compensation, modifying award dated 01.10.2008 of the Motor Accident Claims Tribunal, Jalandhar (in short 'the Tribunal').

Briefly, in the morning of 15.06.2006, appellant-claimant on his bicycle, when reached near Mohalla Dhurkot, near sheller, was struck by offending truck bearing registration No.PB-69-1636 driven by respondent

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No.1 in a rash and negligent manner. As a result thereof, he received multiple grievous injuries. He was shifted to Civil Hospital, Shahkot, where he was operated upon for his fracture of right arm.

With these broad submissions, appellant filed claim petition under Section 166 of the Motor Vehicles Act (in short 'the Act') claiming compensation of ₹4,50,000/-.

The Tribunal, after holding trial, awarded compensation of ₹13,000/- to the appellant.

Learned counsel for the appellant *inter alia* contends that the Tribunal has erred in granting very meagre compensation to the appellant, ignoring a fracture in his right arm for which he was operated upon and a plate was inserted therein. Above disability to the appellant has diminished his earning capacity.

Having given thoughtful consideration to the submissions made by learned counsel for the appellant, this Court finds the instant appeal completely devoid of any merit for the reasons to follow.

Appellant got his treatment and was operated upon in a Government hospital, where expenses of a patient towards medical treatment are borne by the Government except the payment towards purchase of medicines not available there. Otherwise, available medicines are supplied free of cost. In the instant case, appellant produced medical bills amounting to ₹8,000/-.

Perusal of file shows that the accident occurred on 15.06.2006, whereas the appellant got himself admitted in hospital on 29.06.2006 after 14 days for the reasons best known to him. As per deposition of PW1 Dr.

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13.07.2006. Considering hospitalisation for 15 days of the appellant, the Tribunal has awarded compensation of ₹5,000/- towards pain and sufferings. Appellant undisputedly did not suffer any permanent disability. Therefore, this Court is not inclined to differ with compensation awarded by the Tribunal to the tune of ₹13,000/- to the appellant.

Dismissed.

(Ramendra Jain)
Judge

September 05, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No