

FAO No.1513 of 2014

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

FAO No.1513 of 2014
Date of decision: 20.11.2019

Suman

.....Appellant

versus

Shamsher Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ashish Gupta, Advocate, for the appellant.
Mr. Subhash Goyal, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, appellant has sought enhancement of compensation, modifying impugned award dated 22.02.2013 of the Motor Accident Claims Tribunal, Karnal (in short 'the Tribunal').

Briefly, in the day time of 15.06.2010, appellant received certain injuries on her person in a motor vehicular accident allegedly caused by respondent No.1 while driving vehicle bearing registration No.HR-47-5425. Due to her injuries, appellant remained admitted for six days in the hospital of PW8 Dr. Balbir Singh Virk w.e.f. 16.06.2010 to 21.06.2010 and incurred an expenditure of ₹24,397/- on her treatment. Appellant filed claim petition under Section 166 of the Motor Vehicles Act, 1988 against the respondents, claiming compensation of ₹10.00 lakh for the injuries sustained by her in the accident.

The Tribunal, after holding trial, awarded a sum of ₹48,397/- to

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the appellant, in the manner as under: -

Sr.No.	Nature	Amount
1	Medical expenses	₹24,397/-
2	Pain and sufferings	₹20,000/-
3	Attendant charges	₹2,000/-
4	Nutritious diet	₹2,000/-
	Total	₹48,397/-

Learned counsel for the appellants *inter alia* contends that after discharge from the hospital, appellant must have remained out of job for recovery of her injuries. Amount towards attendant charges and nutritious diet awarded by the Tribunal is quite on the lower side. No future treatment expenses have been awarded.

On the other hand, learned counsel for respondent No.2, refuting above submissions, pleaded the legality and validity of the impugned award.

Having given thoughtful consideration to the rival submissions, this Court finds the instant appeal completely devoid of any merit for the reasons to follow.

Admittedly, no permanent or temporary disability has been suffered by the appellant. She has been compensated fully for the medical expenses borne by her. Appellant did not prove on the record that she suffered any serious injury in the accident. Despite that, the Tribunal has awarded an amount of ₹20,000/- towards pain and sufferings to the appellant. No evidence was led by the appellant qua her alleged future treatment. Even no bill was produced qua transportation charges. Thus, no compensation could be awarded to the appellant under the head of transportation charges. For six days' hospitalization of the appellant, she

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has been awarded ₹2,000/- under the head of nutritious diet, which in the opinion of this Court is more than sufficient.

Considering above aspects, there is no scope of enhancement in compensation.

Dismissed.

(Ramendra Jain)
Judge

November 20, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No