

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

231

FAO-2172-2016 (O&M)

Date of decision: 25.01.2019

SOM PARKASH

... Appellant

Versus

BANSI RAM SAINI AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sanjay Mittal, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries suffered in a motor vehicular accident that took place on 16.05.2013.

The Tribunal has awarded compensation of Rs.6,84,609/- (rounded of to Rs.6,84,600/-), detailed in para 21 of the award.

Counsel for the appellant would argue that compensation allowed by the Tribunal under various heads such as loss of earning, extra nourishment, gratuitous service by family and pain & sufferings is inadequate and are liable to be enhanced.

Perusal of findings of the Tribunal on issue No.3 of the award makes it evident that there is no reference to nature and number of injuries sustained by the injured. Though it has been recorded that the injured remained hospitalised for a period of 15/16 days from 16.05.2013 to 31.05.2013. The injured did not examine any doctor to prove the nature of treatment given during hospitalisation. In the given circumstances, there is no justification for allowing compensation more than what has been assessed by the Tribunal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

25.01.2019

ashok

**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No