

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 3090 of 2016 (O&M)

Date of Decision: 31.05.2019

Rajbala @ Bala

.....Appellant

Versus

Om Bhagwan and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sunny Namdev, Advocate for
Mr. Surabh Dalal, Advocate
for the appellant.

AVNEESH JHINGAN, J.(oral)

Aggrieved of the award dated 29.1.2016 passed by Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'the Tribunal') passed in MACT Case No. 41 of 2014, the present appeal has been filed seeking enhancement of compensation.

The facts in brief are that on 3.6.2014 Vajeer @ Wazir alongwith Rajbala @ Bala and other occupants Mukhtiyari, Ritik, Pawan and Roshni was going to village Kharawar from Nazafgarh, Delhi in an Auto bearing registration No.HR-46-C-7191. On their way, the auto was struck by a car bearing registration No.HR-10-S-8289 (hereinafter referred to as 'the offending vehicle'). As a result of the impact, the auto turned turtle and the occupants sustained injuries. FIR was registered.

In the claim petition filed, the Tribunal opined that the accident was result of rash and negligent driving of the offending vehicle. The owner, driver and insurer were held jointly and severally liable to pay compensation.

In the claim petition filed by Raj Bala it was pleaded that she was admitted in PGIMS Rohtak on 3.6.2014 and had spend more than ₹ 1,00,000/- on medicines, treatment, transportation and special diet and is still getting follow up treatment. It was claimed that the compensation of ₹ 25,00,000/- be awarded. The claimants exhibited medical bills on record amounting to ₹ 9464/- and prescription Ex.P1 to Ex.P4 . From Ex.P1 to Ex.P4 it was evident that the claimant was being treated as outdoor patient. No MLR, no discharge card or disability certificate was produced. There was no deposition of any Doctor or official of the hospital to prove admission, nature of injuries or type of treatment. The Tribunal awarded ₹9500/- for medical expenses and ₹5000/- for pain and suffering.

Learned counsel for the appellant argued that the amount awarded by the Tribunal is on lower side as various pecuniary and non-pecuniary heads have not been considered.

The contention raised lacks merit.

Apart from the medical bills which were also not proved by any deposition, there were only four prescriptions produced showing outdoor treatment of the claimant. There is nothing on record to establish the injuries sustained.

No case is made out for enhancement. The appeal is dismissed.

31.05.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No