

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4707 of 2015 (O&M)
Date of decision: 23.5.2019

Aleem Khan

.. Appellant

v.

Safi and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Chetan Kapoor, Advocate for the appellant.

...

AVNEESH JHINGAN, J. (Oral)

The award dated 1.12.2014 passed by the Motor Accident Claims Tribunal, Palwal (for short, 'the Tribunal') has been assailed by the claimant seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

The facts necessary for adjudication of the present appeal are that on 16.4.2012, Aleem Khan along with Tofiq was sitting on a motorcycle bearing registration No. HR-28C-7046 which was parked outside the shop of Sakir at Utawar Chowk, Hathin. In the meanwhile, a Tata 407 bearing registration No. RJ-02-GA-6289 (hereinafter referred to as 'the offending vehicle') hit the motorcycle, as a result of the impact, Aleem Khan sustained injuries. FIR No. 130 dated 17.4.2012 was registered at Police Station Hathin, District Palwal.

In the claim proceedings under Section 166 of the Act, the

Tribunal opined that the accident was result of rash and negligent driving of

the offending vehicle. The owner, driver and the insurer of the offending vehicle were held jointly and severally liable to pay compensation.

Before the Tribunal, the claimant proved that he was hospitalised from 16.4.2012 to 20.4.2012 and incurred medical expenses of ₹1,58,224/-. It was pleaded that he had done JBT course and was imparting tuition. The Tribunal awarded a sum of ₹1,78,224/- along with interest @ 7.5% per annum. The detail of the compensation awarded by the Tribunal is tabulated below:

<i>Head under which amount awarded</i>	<i>Amount in ₹</i>
Compensation on account of treatment expenses.	1,58,224/-
Compensation on account of pain and suffering.	10,000/-
Compensation on account of transportation	5,000/-
Compensation on account of special diet	5,000/-
Total	1,78,224/-

Heard learned counsel for the appellant and perused the relevant documents produced by him.

Learned counsel for the appellant argues that the amount awarded is on the lower side and no loss of income has been awarded.

The contention raised by learned counsel for the appellant is not well founded. No evidence was produced before the Tribunal with regard to the nature of injuries suffered and the type of treatment undergone. There is nothing on record to show that the appellant was not able to attend his occupation beyond five days he remained in the hospital. There was no temporary or permanent disability. Even no doctor was examined. The Tribunal while awarding the compensation has considered the expenses

incurred for treatment, pain and suffering, transportation and special diet.

No case is made out for enhancement of compensation awarded by the Tribunal.

The appeal is dismissed being without merits.

Since the appeal has been decided on merits, the question of limitation is left open.

(AVNEESH JHINGAN)
JUDGE

23.5.2019

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No