

FAO- 3755 of 2016
Date of Decision: 1.7.2019

Nirvail Singh

---Appellant

versus

Satinder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Kushagra Mahajan, Advocate
for the appellant

Rekha Mittal, J.

The injured is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 16.5.2014.

The Motor Accidents Claims Tribunal, Amritsar (in short “the Tribunal”) has awarded Rs.2,90,000/-, detailed hereunder:-

Medical expenses on treatment	Rs. 1,80,000/-
Loss of earning during period of treatment	Rs. 20,000/-
Pain and suffering	Rs. 50,000/-
Transportation	Rs. 10,000/-
Special diet	Rs. 15,000/-
Expenses of attendant	Rs. 15,000/-

The sole submission made by counsel for the appellant is that the injured suffered disability to the extent of 50% though temporary in nature but the Tribunal has not allowed any compensation in that regard.

The Tribunal, in para 11 of the award, has taken note of temporary disability and disability certificate Ex. PW8/A. Counsel for the

appellant has not disputed the factual findings that disability was required to be reassessed within six months in order to know if there is any permanent or temporary disability.

Counsel for the appellant would fairly concede that the injured did not subject himself to reassessment and as such an adverse inference is liable to be drawn against him that he is no longer disable either temporarily much less permanently. That being so, plea of the claimant with regard to grant of compensation in respect of disability is not tenable.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

1.7.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No