

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

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FAO-5151-2015 (O&M)
Date of Decision : 04.09.2019

Mahesh

.... Appellant

Versus

Anirudha N Maurya and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sumit Gupta, Advocate
for the appellant.

Mr.Rajneesh Malhotra, Advocate
for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

The claimants have filed the instant appeal for enhancement of compensation by modifying the impugned award dated 11.02.2014 passed by Motor Accident Claims Tribunal, Palwal (for short- 'the Tribunal') awarding compensation of Rs.3,39,189/-.

Briefly, in the night of 15.05.2011, appellant along with Sant Ram, Ramji Lal and Zile Singh (since deceased), were standing and talking to each other on the kacha berm of the road near Y-Point, G.T. Road, Hodal. In the meantime, offending jeep bearing registration No.RJ-19UA-1634 driven by respondent No.1 in a rash and negligent manner, came and struck against them. As a result thereof, all four persons received multiple grievous injuries. Ramji Lal and Zile Singh died at the spot whereas Mahesh was

shifted to General Hospital, Faridabad. The matter was reported to the police vide FIR No.148 dated 16.05.2011 under sections 279,337 and 304A IPC was registered at Police Station Hodal, District Palwal, against respondent No.1.

Being aggrieved of death of Zile Singh and Ramji Lal, their legal heirs filed separate claim petition for awarding of compensation to them whereas appellant Mahesh also approached the learned Tribunal for awarding of compensation on account of injuries suffered by him in accident in question.

After holding trial, learned Tribunal awarded compensation of Rs.3,39,189/-for the alleged injuries suffered by injured Mahesh in the accident in question.

Learned counsel for the appellant contends that no compensation has been awarded to the claimant by learned Tribunal towards permanent disability to the extent of 5%. Compensation towards transportation, nutritious diet, pain and suffering has also been awarded on the lower side to the appellant-claimant.

Having given thoughtful consideration to the submissions, this Court is not inclined to differ with the amount awarded by learned Tribunal to the appellant, inasmuch as, the alleged injury suffered by the injured was not proved by any member of the Medical Board. Therefore, for non examination of any author of disability certificate Ex.P-63, the same has rightly been ignored by the learned Tribunal. As per medical record, the

appellant remained hospitalised from 16.05.2011 to 25.05.2011 and again from 03.12.2011 to 11.12.2011 around 10 days and then 9 days, against which he has been awarded Rs.20,000/- towards pain and suffering; besides, Rs.2,82,189/- for medical treatment. The appellant has also been awarded Rs.5,000/- towards transportation charges, and Rs.27,000/- for six months towards loss of income for six months during which period, he got recovered from his injuries, taking his monthly income at Rs.4500/-.

Considering the above quantum of compensation, this Court is of the considered view that the appellant has been adequately compensated by the Tribunal. Therefore, no interference called for.

Dismissed.

CM-15932-CII-2015

Since the appeal has been dismissed on merits, therefore, the application filed by appellant for condonation of delay is also dismissed.

September 04, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No