

210

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

\*\*\*\*

**FAO No.678 of 2014  
Date of Decision : 03.04.2019**

Vikash Yadav

Appellant

Versus

Rajender Singh and others

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Mukesh Yadav, Advocate  
for the appellant.

Mr. Gulshan Nandwani, Advocate  
for respondent No.2.

Mr. Rajneesh Malhotra, Advocate  
for respondent No.3-Insurance Company.

\*\*\*\*

**AVNEESH JHINGAN, J (Oral)**

The award dated 02.11.2013 passed by the Motor Accident Claims Tribunal, Narnaul [for brevity 'the Tribunal'] has been assailed by the claimant seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

The driver, owner and insurer (i.e. ICICI Lombard General Insurance Company Ltd.) of Canter bearing registration No. HR-47A-2094 [hereinafter referred to as 'offending vehicle'] have been arrayed as respondents No.1 to 3 respectively in the appeal.

The brief facts necessary for adjudication of the present appeal are that on 06.08.2010, the appellant boarded the offending vehicle, the same was being driven in a rash and negligent manner. When they reached near Polytechnic College, Manesar, the offending vehicle hit a trailer going ahead of it, as a result, the appellant sustained injuries. FIR No.207, dated 07.08.2010 was registered at Police Station Manesar.

A claim petition under Section 166 of the Act was filed. The tribunal after considering the facts and appreciating the evidence adduced held that the accident was caused due to the rash and negligent driving of the offending vehicle. It was further held that the appellant was travelling as a gratuitous passenger in the goods vehicle. Thus, the insurance company was absolved from the liability to pay the compensation. The owner and driver of the offending vehicle were held liable to pay the compensation.

In the claim proceedings, it was pleaded that the injured remained admitted in Shri Krishan Hospital, Rewari from 07.08.2010 to 11.08.2010. The appellant exhibited various bills with regard to medical expenses of the hospital amounting to ₹1,14,872/-. The Tribunal considering the facts, awarded compensation of ₹1,87,000/- alongwith interest @ 7.5% per annum.

The detail of amount awarded is as under:-

|                         |             |
|-------------------------|-------------|
| Treatment Expenses      | ₹1,16,000/- |
| Transportation Expenses | ₹16,000/-   |
| Attendant Charges       | ₹10,000/-   |
| Special Diet            | ₹5,000/-    |
| Loss of Income          | ₹20,000/-   |
| Pain & Suffering        | ₹20,000/-   |

Learned counsel for the appellant contends that amount awarded for medical expenses are on the lower side as exhibited bills were of much more amount.

Learned counsel for the insurer while defending the award argues that the total bills were amounting to ₹1,14,000/-odd, yet the Tribunal has awarded ₹1,16,000/- towards medical expenses.

The appellant suffered neither any permanent nor any temporary disability. Appellant was hospitalized for only four days, Tribunal considered the bills produced and also the fact that there might have been certain expenses which might not have been vouched for, the Tribunal awarded ₹1,16,000/- for medical expenses.

No case is made for enhancement of compensation. The appellant failed to show any other bill relating to the treatment received by the appellant. Moreover, compensation under various other heads has also been awarded by the Tribunal.

The appeal is dismissed.

[AVNEESH JHINGAN]  
JUDGE

April 03, 2019

*pankaj baweja*

- |                               |   |     |
|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable         | : | No  |