

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

222

FAO-5328-2015 (O&M)

Date of decision: 14.03.2019

MANJIT KUMAR

... Appellant

Versus

VIMAL AND OTHERS

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Vipul Sharma, Advocate  
for the appellant.  
Mr. Rajesh K. Sharma, Advocate  
for the insurance company.

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**REKHA MITTAL, J. (Oral)**

**CM No.16749-CII of 2015**

Prayer in this application is for condonation of delay of 134 days in filing the appeal.

In view of averments made in the application supported by an affidavit of the appellant coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 134 days in filing the appeal is condoned subject to the condition that the claimant shall forgo interest for the period of delay, in case compensation is enhanced.

**Main Case**

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 12.04.2013.

The Tribunal has allowed reimbursement of medical expenses based upon bills to the tune of Rs.6500/- payable with interest @ 7.5% per annum.

Counsel for the appellant has fairly conceded that there is no clear evidence on record with regard to nature of injuries sustained, period of hospitalisation or time required for recovery. However, it is argued that in view of testimony of the claimant coupled with the bills available on record, claimant may be allowed compensation under non-pecuniary heads.

Counsel representing the insurance company has supported

assessment made by the Tribunal.

The claimant appeared in the witness box to support his claim for grant of compensation. The Tribunal has noticed in para 6 of the award that the claimant produced on record the documents but the documents pertaining to assessment of compensation are only marked and not exhibited. However, there is no dispute that claimant sustained injuries in a motor vehicular accident and incurred Rs.6500/- qua his medical treatment. On the basis of hypothesis and guess work, claimant is allowed additional amount of Rs.2500/- for pain and sufferings, special diet and transportation etc. which shall carry interest @ 7.5% per annum from the date of petition till realisation, except for the period of delay. All other terms and conditions of the award shall remain intact except that recovery right allowed against driver of the vehicle has already been set aside by this Court vide order dated 06.02.2018.

The appeal is partly allowed in the aforesaid terms.

14.03.2019

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**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No