

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

-.-

FAO 5033 of 2016 (O&M)

Date of decision: 13.03.2019

Surender Kumar

.....Appellant

Versus

Raj Pal and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Satbir Gill, Advocate
for the appellant

-.-

Rekha Mittal, J. (Oral)

CM 17366 CII of 2016

Prayer in this application is for condoning delay of 52 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit and arguments advanced, the application is allowed and delay of 52 days in filing the appeal stands condoned.

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 10.01.2014.

The Tribunal has awarded Rs.2,00,000/-, detailed hereunder:-

-Medical expenses	Rs.1,28,000/-
-Compensation qua disability	Rs.12,000/-
-Loss of earning	Rs.40,000/-

-Mental pain and suffering Rs.20,000/-
calcium diet and transportation
charges

The sole submission made by counsel for the appellant is that the Tribunal has not allowed compensation qua services of an attendant.

The Tribunal has allowed reimbursement of medical expenses on the basis of documentary evidence and testimony of Dr. Aman Watts, DMC Hospital, Sirsa. Perusal of disability certificate Ex.PW4/A, proved by Dr. Kuldeep Sai, Medical Officer, General Hospital, Sirsa makes it evident that disability to the extent of 6% suffered by the victim is not permanent in nature and opined to be amenable to improvement. The injured did not get his disability re-assessed subsequent to 27.08.2014. The Tribunal, in the circumstances, has shown magnanimity by granting compensation of Rs.12,000/- in respect of disability. Even compensation allowed by the Tribunal with regard to loss of earning to the extent of Rs.40,000/- appears to be more when examined in the light of the fact that the injured remained hospitalized only for a period of 11 days. In this view of the matter, there is no justification for allowing additional compensation.

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

(Rekha Mittal)
Judge

13.03.2019
Mohan Bimbra

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