

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 6397 of 2015 (O&M)

Date of Decision: 29.01.2019

Hari Chand

.....Appellant

Versus

Sushil and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajender Kumar, Advocate for
Mr. M.S. Tewatia, Advocate
for the appellant.

AVNEESH JHINGAN, J.(oral)

The award dated 2.3.2015 passed by Motor Accident Claims Tribunal, Palwal (hereinafter referred to as 'the Tribunal') has been assailed seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act').

The facts necessary for adjudication of the present appeal are that on 23.12.2013 Hari Chand along with his wife Meera was coming from village Chandpur Tappal on a motor cycle. The motor cycle was being driven by Hari Chand. On his way the motor cycle was struck by a rashly and negligently driven Canter bearing registration No. HR-38S-8175 (for short 'offending vehicle'). As a result of the impact, both the riders fell down and Hari Chand sustained injuries, he was shifted to General Hospital, Palwal. FIR No. 478 dated 23.12.2013 was registered at Police Station Chandhat.

A claim petition was filed claiming that the appellant was earning ₹ 15,000/- per month. The Tribunal after considering the facts and appreciating the evidence adduced held that the accident was caused due to

rash and negligent driving of the offending vehicle. The owner and driver of the offending vehicle were held jointly and severally liable to pay compensation. The Tribunal awarded a sum of ₹ 64,200/- along with interest at the rate of 7.5% per annum. The details of compensation awarded are mentioned below:

Sr. No.	Particulars	Amount awarded by Tribunal
1.	Medical expenses	₹ 35,200/-
2.	Pain and suffering	₹ 10,000/-
3.	Special diet and service of attendant	₹ 5000/-
4.	Transportation charges	₹ 5000/-
5.	Loss of income	₹ 9000/-
	Total	₹ 64200/-

In the claim proceedings, a computer generated salary certificate was produced as Mark 'J'. The details of medicine etc. and MLR was produced and X-ray report was also produced as Mark 'L'.

Learned counsel for the appellant contended that the Tribunal considered the monthly earning of appellant as ₹ 4500/- only and awarded ₹ 9000/- for loss of income. His grievance is that the compensation awarded is on the lower side.

From perusal of the award and the relevant documents produced by learned counsel, it is evident that apart from producing the computer generated salary certificate, no evidence was adduced to prove occupation and earning of the appellant. There was no deposition of Doctor to prove the nature of injuries. The appellant was hospitalized only for six days. There was fracture in the bone of leg, the Tribunal considering that he would not be able to attend his job for two months awarded ₹ 9000/- for loss of income.

The medical expenses proved have duly been reimbursed.

Learned counsel for the appellant failed to substantiate his contention for enhancement of compensation. There was no temporary or permanent disability suffered by the appellant. As per the evidence produced before the Tribunal, just and equitable amount has been awarded.

No interference is called for in the award.

The appeal is dismissed.

29.01.2019
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(AVNEESH JHINGAN)
JUDGE

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