

207-A

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

**FAO No.9337 of 2014
Date of Decision : 03.04.2019**

Sunil Kumar

Appellant

Versus

Sandeep Kumar Mudgil and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sudhir Kashyap, Advocate for
Mr. Gaurav Mohunta, Advocate
for the appellant.

Mr. Deepak Suri, Advocate
for respondent No.2.

AVNEESH JHINGAN, J (Oral)

The award dated 21.10.2013 passed by the Motor Accident Claims Tribunal, Kaithal [for brevity 'the Tribunal'] in MACT Case No.38 of 2012 has been assailed by the claimant being aggrieved of the dismissal of the claim petition filed under Section 163-A of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

The brief facts of the case are that a motor vehicular accident took place on 26.04.2011. The appellant alongwith his brother was travelling in a Verna Car bearing registration No.

HR-08L-7554 [hereinafter referred to as 'car']. The car was being driven by one Rahul. On their way, suddenly stray cow came in front of the car due to which the driver of the car lost control and struck against a *Safeda* tree. As a result of the impact, the appellant sustained injuries. He got treatment from Civil Hospital, Kaithal as well as Ganpati Surgical and Trauma Hospital, Kaithal.

A claim petition under Section 163-A of the Act was filed. The Tribunal dismissed the same on the ground that neither there is any permanent disability nor it is a case of death, hence no compensation can be awarded under Section 163-A of the Act.

Learned counsel for the appellant contends that the appellant sustained grievous injuries and as per Second Schedule to the Act, ₹5,000/- should have been awarded for injuries sustained in the accident. His grievance is that certain medical bills were exhibited before the Tribunal, which were not doubted. He prays that ₹15,000/- be awarded for medical expenses.

Learned counsel for the insurer defends the award.

Heard learned counsel for the parties and perused the record.

There is no doubt that the appellant suffered injuries in a motor vehicular accident. Even though, there is no permanent or temporary disability but the fact remains that he underwent medical treatment and incurred expenses on medical

treatment.

In view of Second Schedule to the Act, ₹5,000/- are awarded for pain and suffering and considering the bills produced, ₹15,000/- are awarded for medical expenses.

The claimant shall be entitled to ₹20,000/- alongwith interest @ 7.5% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

April 03, 2019
pankaj baweja

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