

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4476 of 2017 (O&M)

Date of Decision: 05.03.2019

Karan Singh

.....Appellant

Versus

Leela Ram and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Navmohit Singh, Advocate
for the appellant.

AVNEESH JHINGAN, J.(oral)

The award dated 3.11.2016 passed by Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') has been assailed by the claimant seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act').

The facts are that on 16.4.2015 the appellant along with his wife was returning after a morning walk and when they were walking towards Rao Tulla Ram Chowk, the appellant was struck by a rashly and negligently driven motorcycle bearing registration No.HR-34-G-8818 (for short 'the offending vehicle'). As a result of the impact, he sustained grievous injuries. FIR No. 167 dated 19.4.2015 was registered at Police Station Mohindergarh.

In the claim petition filed it was pleaded that the appellant was shifted to Government Hospital Mohindergarh, from where he was shifted to Aditya Hospital, Rewari, where he remained admitted from 16.4.2015 to 18.4.2015. Thereafter, he was shifted to Paras Hospital, Gurgaon on 18.4.2015 where he remained admitted upto 5.5.2015 and was operated upon.

A claim petition was filed under Section 166 of the Act. In the claim petition, the Tribunal opined that the accident was caused due to rash and negligent driving of the offending vehicle. The owner, driver and insurer of the offending vehicle were held jointly and severally liable to pay compensation. The Tribunal awarded a sum of ₹ 4,00,000/-along with interest at the rate of 9% per annum.

The details of compensation awarded under various heads by the Tribunal is reproduced below:

Medical Bills	₹ 3,30,000/-
Pain and suffering	₹ 40,000/-
Transportation charges	₹ 20,000/-
Services of attendant	₹ 5000/-
Special diet	₹ 5000/-
Total	₹ 4,00,000/-

Learned counsel for the appellant contends that the appellant remained hospitalized for 20 days, the amount awarded under various heads are on the lower side and needs to be enhanced.

The contention raised lacks merit.

There was no temporary or permanent disability. The appellant was able to prove that an amount of ₹ 3,30,000/- was spent towards his treatment, the same was reimbursed by the Tribunal. No doctor was examined to prove the nature of injuries and type of treatment given. It was pleaded that the appellant was advised physiotherapy but no evidence was adduced to show that he undertook the same.

Before the Tribunal, the appellant pleaded that he was Head Teacher in Government Middle School, Dholi, it has been noticed by Tribunal that he

never suffered any loss of income and availed his leave for the period of

hospitalisation. There is nothing on record to establish that the appellant was not able to attend his duties after hospitalisation.

In the facts and circumstances of the case, no case is made out for enhancement of compensation.

The appeal is accordingly dismissed.

05.03.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No