

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

**FAO-5716-2017 (O&M)
Date of Decision : 26.11.2019**

Satbir

..... Appellant

Versus

Krishan Kumar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Sat Narain Yadav, Advocate
for the appellant.

Service of respondent Nos.1 and 2 already dispensed with vide
order dated 22.10.2019.

Mr. Punit Jain, Advocate
for respondent No.3-Insurance Company.

RAMENDRA JAIN, J. (Oral)

Through this appeal, the claimant has sought enhancement of
compensation, modifying impugned award dated 04.01.2017 of the Motor
Accident Claims Tribunal, Jhajjar (for short 'the Tribunal').

Briefly, in the morning of 16.03.2013, appellant-claimant
suffered multiple injuries in a motor vehicular accident, caused by
respondent No.1 while driving tractor trailer, bearing registration
No.HR47G-4551, owned by respondent No.2 and insured with respondent
No.3, in a rash and negligent manner. Appellant was shifted to Sunflag
hospital where, he remained admitted for 07 days w.e.f. 16.03.2013 till
22.03.2013. After his discharge, he filed a claim petition under Section 166
of the Motor Vehicles Act, 1988, claiming compensation of Rs.20,00,000/-
alongwith interest @ 18% per annum for the alleged injuries suffered by
him in the accident, pain and suffering, expenditure on treatment and loss of

income etc., before the learned Tribunal, Jhajjar, who after holding trial, awarded compensation of Rs.2,53,610/- alongwith interest @ 9% per annum from the date of filing of claim petition till realization vide impugned award dated 04.01.2017 in the following manner:-

Medical expenses	Rs.98,610/-
Transportation, attendant, special diet etc.	Rs.35,000/-
Pain & suffering	Rs.1,00,000/-
Loss due to disability of 10%	Rs.20,000/-
Total Rs.	Rs.2,53,610/-

Heard. From the above tabulation, it is evident that for hospitalization of seven days only, appellant-claimant has been awarded a sum of Rs.1,00,000 towards pain and suffering which, in the considered opinion of this court is quite on higher side. For alleged disability to the extent of 10% to a particular limb, learned Tribunal, without considering the functional liability, which, is always less, has awarded a sum of Rs.20,000/- without any evidence, which in considered opinion of this court, is also adequate and justified. Qua transportation, attendant, special diet etc., appellant has been awarded exorbitant amount of Rs.35,000/- for which in the considered opinion of this court, he is not entitled to. Towards medical expenses, Rs.98,610/- has been awarded which in considered opinion of this court is in excess to the entitlement of the appellant.

Hence, finding no scope of enhancement, the instant appeal stands dismissed.

26.11.2019

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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No