

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 5335 of 2018 (O&M)
Date of decision: 22.1.2019

Tasho Devi

.. Appellant

v.

Ravi Kumar and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Yashveer Kharb, Advocate for the appellant.

...

AVNEESH JHINGAN, J. (Oral)

Against the award dated 24.1.2018 passed by the Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal'), the present appeal has been filed seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') for the injuries sustained by appellant-Tasho Devi in a motor vehicular accident. The appeal is accompanied by an application under Section 5 of the Limitation Act, 1963 for condoning the delay of 50 days in filing the present appeal.

The facts in brief are that on 1.10.2014, appellant-Tasho Devi was travelling in a three wheeler bearing registration No. HR-45A-6612. On the way, the three wheeler was struck by a rashly and negligently driven truck bearing registration No. HR-67-8288 (hereinafter described as 'the offending vehicle'). As a result of the impact, Tasho Devi sustained injuries. FIR No. 388 dated 3.10.2014 was registered at Police Station Sadar, Panipat.

A claim petition under Section 166 of the Act was filed pleading that appellant-Tasho Devi was 38 years old at the time of accident and was earning ₹6,000/- per month by doing labour work. It was pleaded that she was taken to Civil Hospital, Panipat and then admitted in Jindal Hospital, Hissar for 8-9 days and thereafter in Life Care Hospital, Rohtak.

Heard learned counsel for the appellant, perused the paper book and the relevant documents produced by him.

The appellant claimed medical expenses of ₹94,982/- but was able to prove bills only worth ₹79,576/-. It was pleaded that she suffered multiple fractures in right ribs. The doctor who deposed before the Tribunal did not prove that she sustained fracture of the rib as in his cross-examination, he stated that she was advised X-ray but no X-ray and the film are on the record. Learned counsel for the appellant contends that X-ray was conducted and the report was produced on the record, but he could not dispute the fact that the said report was not proved by deposition of any doctor, rather Dr. Ajay Batra who deposed before the Tribunal showed his ignorance about any such report.

The Tribunal while awarding the compensation awarded the medical expenses as proved by the appellant. The amounts have been awarded for pain and suffering, loss of income, nutrition diet, attendant charges and transportation charges.

As neither the nature of injuries nor any permanent or temporary disability has been proved and the fact that the appellant remained admitted in hospital only for 8 to 10 days for which adequate compensation has been awarded, no interference is called for in the findings recorded by the Tribunal.

The appeal is dismissed. Since the appeal has been decided on merits itself, the question of limitation is left open.

(AVNEESH JHINGAN)
JUDGE

22.1.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No