

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

**FAO No. 5615 of 2018 (O&M)
DECIDED ON: MARCH 25, 2019**

ATTAR SINGH

.....APPELLANT

VERSUS

THE NATIONAL INSURANCE COMPANY LTD.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Jitender Nara, Advocate
for the appellant.

AVNEESH JHINGAN J. (ORAL)

The award dated 03.01.2018 passed by the Motor Accident Claims Tribunal, Rewari (for brevity '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 in brief are that on 07.12.2015, appellant was riding his motorcycle bearing registration No. HR-36-P-1917. On his way a dog came in front of his motorcycle, as a result, he lost his balance and fell down and suffered injuries. He was 63 years old at the time of accident.

In the claim petition filed under Section 166 of the Act, it was pleaded

that the appellant remained admitted in Trauma Centre Rewari and spent more than ₹35,000/- on his treatment, transportation etc. The Tribunal after considering the facts and on appreciating the evidence adduced, held that there was a payment of ₹50/- as an extra premium, the insurance company was liable to pay the compensation. The Tribunal awarded a sum of ₹15,000/- on account of disability suffered by him and another sum of ₹10,000/- towards pain and suffering. A total sum of ₹25,000/- was awarded alongwith interest @7.5% per annum.

The appellant failed to produce any bill/invoice with regard to the purchase of medicine or any expenses incurred by him on his treatment or transportation. Dr. R.K. Yadav, PW-4 appeared before the Tribunal and stated that he had examined the appellant in General Hospital, Rewari as an Out Door Patient. He suffered a fracture on 6th rib and used to come to Civil Hospital for follow up treatment. A certificate was issued that he suffered 2% disability.

Learned counsel for the appellant contends that the amount awarded by the Tribunal is on the lower side. He further submits that various pecuniary and non-pecuniary benefits have not been considered while awarding the compensation.

From the perusal of paper book and the relevant documents produced by learned counsel for the appellant, no case is made out for enhancement of compensation. There was a 2% disability and it is nowhere mentioned that the said disability affected the functional ability of the appellant. There is not even an iota of evidence that the appellant even spent a single penny on his treatment. The Tribunal still awarded a sum of ₹10,000/- for pain and suffering.

In view of afore-said discussion, no interference is called for in the impugned award.

Dismissed.

(AVNEESH JHINGAN)
JUDGE

MARCH 25, 2019
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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether reportable :</i>	<i>Yes/No</i>