

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO No. 6876 of 2018 (O&M)

Date of Decision: 07.05.2019

Rahul Singh

.....Appellant

**Versus**

Rajat Rai and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikrant Singh Cooner, Advocate  
for the appellant.

**AVNEESH JHINGAN, J.(oral)**

This is an appeal by the claimant against the award dated 20.4.2018 passed by Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'the Tribunal') seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), for the injuries sustained by him in a motor vehicular accident.

Driver-cum-owner and insurer (i.e. The National Insurance Company Limited) of motor cycle bearing No.HR-99-YT-1885 (for short 'the offending vehicle') have been arrayed as respondents No. 1 and 2.

The facts necessary for adjudication of the present appeal are that on 28.10.2016 Rahul Singh was driving motor cycle bearing registration No. HR-01AP-9874. When he reached near back gate of GMN College, his motor cycle was struck by the offending vehicle. As a result of the impact, he sustained injuries. He was taken to General Hospital, Ambala Cantt. FIR No. 409 dated 29.10.2016 was registered at Police Station Ambala Cantt.

In the claim proceedings, the Tribunal came to the conclusion that the accident was result of rash and negligent driving of the offending vehicle. The insurer was held liable to pay the compensation but was granted recovery rights. Nothing was produced on record to substantiate the nature of

injuries and type of treatment given. The Tribunal awarded a lump-sum amount of ₹ 50,000/- along with interest at the rate of 7.5% per annum.

Learned counsel for the appellant argues that the Tribunal has not considered various pecuniary and non-pecuniary heads while awarding compensation.

From the perusal of the award and the relevant documents produced by learned counsel for the appellant, it is evident that the appellant was hospitalised only for one day. Certain bills for medicines were produced amounting to ₹ 10,928/-, out of these bills, three bills did not even had the name of the patient of the referring Doctor, the Tribunal considered the fact in totality and awarded a sum of ₹ 50,000/-. No doubt while awarding the amount, the Tribunal has not segregated the amount awarded under each and every pecuniary and non-pecuniary heads.

No interference is called for in the impugned award. Though no split of the said amount is made, still there is no scope for enhancement. There is no temporary or permanent disability. Appellant was hospitalised for one day and there is no deposition of any Doctor or of the staff of the hospital to prove the injuries or type of treatment given.

The appeal is accordingly dismissed.

Since, the main appeal has been decided on merits, the question of limitation is kept open.

**07.05.2019**  
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**(AVNEESH JHINGAN)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable:

Yes  
No