

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

**FAO No.16145 of 2018 (O&M)
Date of decision: 03.07.2019**

Imamudin

....Appellant

Versus

Krishan Kanhaiya and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Barjinder Singh, Advocate,
for Mr. Ashish Gupta, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'the Tribunal') vide award dated 12.05.2007, on account of injuries received by him in a motor vehicular accident which took place on 11.07.2005.

Brief facts of the case are that on 11.07.2005, claimant-appellant (Imamudin) along with P.C. Gupta, R.S. Singla and Krishan Kanhiya was coming towards village Punhana after attending a function in Sector 61, Noida in a car. Krishan Kanhiya (respondent No.1) is owner of the said car. At about 11.00 P.M., when they reached on crossing between Sector 61 and 71, suddenly their car struck with an unknown vehicle, as a result of which, the car got damaged badly. Claimant-appellant along with other occupants of the car sustained serious multiple injuries on their person. Consequently, the claimant-appellant filed a claim petition under

Section 163-A of the Act before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that claimant-Imamudin received injuries in an accident arising out of use of motor vehicle i.e. car bearing registration No. HR-51-M-6279 and thus, returned finding on issue no.1 in favour of the claimant. This finding was rightly given on the basis of deposition of claimant-appellant (PW-1). After going through the evidence, Tribunal awarded compensation in favour of the claimant as under:-

Sr. No.	Heads	Amount
1.	Compensation for pain and sufferings	Rs.10,000/-
2.	Compensation for expenses for purchase of medicines and treatment	Rs.16,175/-
3	Compensation for adverse effect on the life due to disability to the extent of 10%	Rs.15,000/-
4	Compensation for expenses on special diet, attendant and conveyance and to meet unforeseen expenses in the hospital	Rs.7,000/-
	Total	Rs.48,175/-

Ultimately, the claimant was found entitled to a total compensation of Rs.48,175/- along with interest at the rate of 7.5% from the date of filing of the claim petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved. Parties are not in dispute with regard to finding given by the Tribunal on issue No.1 to the effect that claimant-appellant has received injuries in an accident arising out of use of offending vehicle. A perusal of the impugned award shows that the appellant has not suffered any kind of permanent disability due to the

injuries suffered by him in the accident in question. After the accident, appellant was shifted to Parkash Hospital Private Limited, Noida, where he remained admitted from 11.07.2005 to 15.07.2005. For this treatment, claimant-appellant has been awarded a sum of Rs.7000/-.

After going through the impugned award, this Court is of the view that the Tribunal has awarded adequate compensation in favour of the claimant under all the heads. The evidence has been appreciated in the right perspective. No ground is made out to enhance the compensation and to interfere in the impugned award. Moreover, there is delay of 2366 days in filing and 1639 days in re-filing of the appeal. No plausible explanation has been given for such a long delay.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

03.07.2019
ajp

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