

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

213

FAO-938-1992

Date of decision: 20.07.2022

Satbir and another

.....Appellants

Versus

Ajay and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. B.R. Rana, Advocate
for the appellants.

None for respondent No.1.

Ms. Meenakshi Dogra, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The appellants/claimants are impugning the award dated 04.02.1991 passed by learned Motor Accidents Claims Tribunal, Faridabad (for short, 'the Tribunal'), wherein the following compensation was awarded to appellant No.1-injured on account of injuries received by him in a motor vehicular accident which took place on 25.12.1989 when he was returning from his fields after answering the call of nature:-

Sr. No.	Head	Amount
1.	Compensation for pain and sufferings for fractures on both legs requiring hospitalization for more than two months	Rs.20,000/-
2.	Compensation for expenditure on purchase of medicine and other possible hospital bills during the hospitalization for more than two months	Rs.5,000/-

3.	Compensation for expenditure on transport from nature place to hospital during two months hospitalization and special diet	Rs.5,000/-
4.	Compensation for expenditure on further pain and sufferings and purchase of medicine	Rs.10,000/-
	Total compensation	Rs.40,000/-

Learned counsel for the appellants submits that the injured was a 14 year old boy, on the date of accident in question and on account of the injuries received, he had to remain hospitalized for two and a half months. It was further submitted that the injured had received the following injuries/fractures:-

- (i) transverse fracture right shaft femur; and
- (ii) communicated fracture left shaft femur

which had permanently disabled him as he was unable to stand or walk all by himself. While drawing the attention of this Court to the compensation awarded, it was submitted that it required to be reassessed and enhanced keeping in view the permanent disability suffered by the injured.

I have heard learned counsel and perused the material on record.

A pointed query was put to the learned counsel as to what was the permanent disability suffered by the injured claimant which had rendered him incapacitated for the rest of his life, to which learned counsel fairly conceded that there was no opinion of any doctor including the doctors who treated him after the accident, on record, with respect to his permanent disability. It was merely submitted by

learned counsel that the fact that the injured was hospitalized for two months after the accident in question clearly indicated that the injured had indeed received serious injuries.

This Court does not find any merit in the submissions made by learned counsel. The accident in question took place in the year 1989 and the amount of compensation awarded in the sum of Rs.40,000/- cannot by any stretch of imagination be said to be on the lower side moreso when no evidence was led qua any disability suffered by the appellant. The Tribunal while passing the impugned award took care of the pain and suffering, medical expenses incurred, expenses incurred on transportation, special diet etc. as well as future medical expenses. Hence, the Tribunal has in no manner erred while passing the impugned award.

As a sequel to the above, the instant appeal being devoid of any merit is dismissed.

20.07.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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