

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

289

**FAO-4043-2019 (O&M)
Decided on : 20.05.2022**

Virender

... Appellant(s)

Versus

Krishan Kumar and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Rajesh Hooda, Advocate
for the appellant.

MANJARI NEHRU KAUL, J. (Oral)

CM-13404-CII-2019

This is an application filed under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 140 days in filing the present appeal.

In view of the averments made in the application, which is supported by an affidavit of the applicant-appellant, the delay of 140 days in filing the appeal is hereby condoned.

CM stands disposed off.

FAO-4043-2019 (O&M)

The instant appeal has been preferred by the appellant-claimant (injured) against the award dated 08.10.2018, passed by the learned Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'the Tribunal'), in a petition filed under Section 166 of the Motor Vehicles Act, 1988, wherein, the compensation in the sum of Rs. 1,31,000/-, was awarded to the appellant/claimant (injured), for the injuries suffered by him in a motor vehicular accident, which took place on 15.02.2017.

2. A few facts as pleaded in the claim petition by the appellant/claimant may be noticed. On 15.02.2017, the claimant along with his brother (Surinder) and brother-in-law (Narinder) were travelling in Car bearing registration No. HR-12W-0140, from village Charra to Hisar. The car was being driven by Narinder. At about 10:00 a.m., when they reached Hansi by-pass Pulpura Road, a Tata Ace (Chota Hati) bearing registration No. HR-39C-6568 (hereinafter referred to as ‘the offending vehicle’) being driven rashly and negligently by respondent No.1, came from the wrong side and hit the vehicle of the claimant. As a result of the collision, the claimant received multiple injuries, for which he was removed to CHC Hospital, Hisar. An FIR No. 98, dated 18.02.2017, under Sections 279, 337, 338, 427 of IPC, registered at Police Station City Hansai, was also registered against respondent No.1.

3. The following compensation was awarded to the appellant/claimant by the learned Tribunal, after taking into consideration all the facts, circumstances and evidence led :-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1.	Medical Bills	Rs.91,000/-
2.	Attendant Charges	Rs. 10,000/-
3.	Special Diet	Rs. 10,000/-
4.	Transportation	Rs. 10,000/-
5.	Pain & Suffering	Rs. 10,000/-
	Total:	Rs.1,31,000/-

4. Learned counsel for the appellant-claimant submits that the aforementioned compensation awarded by the learned Tribunal, is grossly inadequate and thus, requires to be re-assessed and enhanced. He submits that the Tribunal had erred in awarding only Rs.10,000/- towards pain and suffering, whereas, the appellant-claimant deserved to be compensated with,

at least Rs.50,000/-, as it was a matter of record that he remained admitted in a hospital at Hisar for two days and thereafter, was shifted to Medanta Hospital, Gurugram, where, he remained admitted for four days. He further submits that even the attendant charges, which were granted in the sum of Rs.10,000/- were meager and required to be enhanced, as the claimant had employed PW-4/Aarti, a qualified ANM, as his attendant at a salary of Rs.7000/- p.m., from 22.02.2017 to 20.02.2018. He submits that even the compensation granted qua special diet and transportation, was on the lower side, which required to be enhanced.

5. I have heard learned counsel for the appellant-claimant and perused the material on record, including the impugned award passed by learned Tribunal.

6. There is no dispute that an amount of Rs.91,000/- on the basis of the medical bills produced by the claimant before the Tribunal, already stands granted to him with respect to the expenses incurred during his treatment.

7. A pointed query was put to the learned counsel, as to what was the nature of the injuries received by the claimant in the accident in question. The learned counsel just submitted that there were injuries all over the body of the claimant. On a further query put to the learned counsel, as to whether the injuries suffered by the claimant involved any fracture or some temporary disability or even permanent disability, he fairly submitted that there was no such injury received by the claimant, but there were a few grievous injuries received on various parts of the body. Learned counsel, however, failed to bring to the notice of this Court, the seat or even nature of such 'grievous injuries' allegedly suffered by the claimant in the accident

in question. In the circumstances, this Court fails to understand that as to why the claimant would have required an attendant to take care of him for almost one year after the accident in question, when admittedly, he did not even suffer any temporary disability.

7. The compensation awarded by the learned Tribunal is adequate and just and does not warrant any interference by this Court. Consequently, the instant appeal fails and stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

May 20, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*