

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

**FAO No. 3194 of 2008**

**Date of Decision: 01<sup>st</sup> June, 2022**

Harinder Singh Dahiya

...Appellant

Versus

Ranjit Singh & Others

....Respondents

**CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Satyendra Chauhan, Advocate  
for the appellant.

Mr. Vinod Gupta, Advocate,  
for respondent No.3-Insurance Company.

**MEENAKSHI I. MEHTA, J.**

Feeling aggrieved and dis-satisfied by the Award dated 10.04.2008 passed by learned Motor Accident Claims Tribunal, Gurgaon (for short 'the Tribunal') whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been awarded compensation to the tune of Rs.2.25 lac, along-with interest thereon @ 7.5% per annum, he (claimant) has preferred the instant appeal for seeking the enhancement of the same.

2. The above-named claimant filed the claim petition against the respondents, being the respective driver, owner and insurer of the Indica Car bearing registration No.DL-3CAC-1521 (for short 'the offending vehicle'), for seeking compensation on account of his having sustained the injuries in a motor vehicular accident caused by respondent No.1 by driving the offending vehicle in a rash and negligent manner at a high speed and thereby, dashing the same against the motor-cycle being driven by him (claimant).

3. It is pertinent to mention here that respondents No.1 & 2 were

proceeded against *ex-parte* before the Tribunal. Respondent No.3, in its written-statement, contested the claim of the claimant, *inter-alia*, on the ground of maintainability and it also denied the factum of the involvement of the offending vehicle and respondent No.1 in the said accident and further asserted that respondent No.1 was not having a valid and effective driving licence at that time.

4. The Tribunal put the parties to the trial by framing the issues. The claimant and respondent No.3 led their evidence, oral as well as documentary, in support of their respective contentions and after appreciating and evaluating their evidence and hearing their learned counsel, the Tribunal allowed the claim petition, as discussed in the opening para of this judgment.

5. I have heard learned counsel for the appellant-claimant as well as learned counsel for respondent No.3 in the present appeal and have also perused the file carefully.

6. Learned counsel for the claimant contends that the claimant had incurred huge expenses on his medical treatment, transportation and special diet and he had also remained hospitalized for almost one month due to the injuries sustained by him in the said accident and therefore, he did not get the salary for this period but the Tribunal has not considered all these aspects in the right perspective and has not awarded sufficient compensation to him and therefore, he is entitled to the enhancement of the amount of compensation as awarded to him.

7. However, the above-raised contentions are not tenable because in para No.18 of the Award, the Tribunal has observed that the claimant did not examine any of the two doctors who had treated him. A bare reading of

the impugned Award also suggests that the claimant did not lead any evidence on the record to prove that he had suffered any disability, permanent or temporary, on account of the afore-said injuries and further reveals that out of all the bills as placed by him (claimant) on the file to show the expenditure incurred by him on his treatment, only the bill worth Rs.1.52 lac, as issued by Kalyani Hospital, has been found by the Tribunal to be trustworthy. However, the Tribunal has awarded the sum of Rs.02 lac to the claimant as compensation towards the medical expenses, i.e Rs.48,000/- over and above the amount of the above-said bill. Moreover, the claimant has been awarded a sum of Rs.20,000/- for the pain and suffering undergone by him and another amount of Rs.5,000/- towards the miscellaneous expenses. In these circumstances, his plea that he has not been awarded suitable and sufficient compensation, does not seem to be justified at all.

7. As a sequel to the fore-going discussion, it follows that the impugned Award does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the appeal in hand, being devoid of any merit, stands dismissed.

**01.06.2022**  
Seema

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

|                                   |            |
|-----------------------------------|------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> |
| <i>Whether Reportable:</i>        | <i>No</i>  |