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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARHFAO-5154-2016 (O&M)  
DATE OF ORDER: 15.12.2022

Baljit

.....Appellant

Vs.

Parveen Kumar and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present: Mr.Vijay Kumar Sheoran, Advocate  
for the appellant.**Nidhi Gupta, J.****CM-17616-CII of 2016**

Application is filed under Section 151 CPC for exemption from filing certified and true typed copy of impugned Award/Judgment dated 18.03.2016 passed by MACT, Bhiwani. For the reasons stated in the application, the same is allowed subject to just all exceptions.

**Main Case**

This appeal has been filed by the claimant-injured seeking enhancement of compensation of Rs.86,262/- awarded to him by the Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as the "Tribunal") in MACP Case No.43 of 2015 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as the "Act") vide Award dated 18.03.2016.

Learned Tribunal, on the basis of the pleadings and evidence on record, came to the finding that the appellant had been injured in the accident in question on 23.04.2015 due to the rash and negligent

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driving of respondent No.1-Parveen, driver of vehicle dumper bearing registration No.HR-61B-7289 (hereinafter referred to as the “offending vehicle”).

Learned counsel refers to the findings of the learned Tribunal to submit that even though he had stayed in hospital for 16 days yet, only Rs.39,262/- has been awarded to the appellant by way of treatment expenses and Rs.3,000/- on account of special diet.

I have heard learned counsel for the appellant.

A perusal of the impugned Award shows that the learned Tribunal has recorded as follows:-

*“21. In claim petition No.43 titled 'Baljeet versus Praveen and others', petitioner has claimed that in the accident, he had suffered grievous injuries on his person. The copy of MLR placed on file as Ex.P7 proves that he had sustained injuries in roadside accident. The petitioner has also proved the medical bills as Mark-A1 to Mark-A17, Mark-A19, Mark-A20, Mark-A30 to Mark-A36, Mark-A38 to Mark-A41, Mark-A49 and Mark-A50. Learned counsel for the respondents have argued that receipt Mark-A19 dated 2.11.2015 issued by Malhotra Hospital cannot be admitted in evidence as the fees of two OPD dates have been mentioned therein in this single receipt. This Tribunal has perused the prescription slip of Malhotra Hospital in the name of the same patient whose name has been mentioned in Mark-A19 and has found that in fact the concerned doctor had checked the said patient that is why he had prescribed the medicines to the said patient on 16.10.2015 as reflected in Mark-A45. Thus, the said document is to be counted towards calculation of the amount of the medical bills. The similar arguments of the learned counsel for the respondents are also there qua Mark-A38 and Mark-A41. Mark-A38 is for Rs.200/- and Mark-A41 is for Rs.900/-. To the opinion of this Tribunal, the amount of these two receipts cannot be given to the petitioner for the reason that the purpose for the said amount in both these documents has not been mentioned. Thus, this Tribunal has reached at the conclusion that these two documents cannot be taken into consideration while computing the amount qua the claim of bills. Thus, the petitioner is entitled for Rs 39,262/- on account of treatment expenses. The petitioner is also entitled to Rs.20,000/- on account of pain and suffering. As per medico-legal x-ray report Ex.P6, the petitioner had also suffered fracture on his person. In these circumstances, he is also entitled Rs.8,000/- on account of suffering fracture. The petitioner is also entitled Rs.3,000/- on account of special diet.*

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22. The discharge-slip Mark-A21 shows that petitioner Baljeet remained admitted in Ch. Bansilal General Hospital, Bhiwani for 16 days. In these circumstances, the petitioner is entitled Rs.16,000/- in lump-sum on account of hospitalization.

23. In view of the above discussion, the total compensation payable to the petitioner worked out to be as Rs.86,262/- (Rs.39,262/- towards treatment expenses, Rs.20,000/- on account of pain and suffering, Rs.8,000/- on account of suffering fracture, Rs.3,000/- on account of special diet and Rs.16,000/- on account of hospitalization) along with interest at the rate of 9% per annum from the date of filing of the petition till its realization. Thus, issue No.3 is decided in favour of petitioner Baljeet accordingly.”

A perusal of the above findings of the learned Tribunal shows that a number of bills submitted by the appellant are unproved, as also inaccurate and incorrect. Moreover, several bills/receipts have been presented by the appellant without mentioning what the said bills/receipts are for. Learned counsel for the appellant is unable to controvert these findings. Furthermore, it is not denied that the appellant had suffered a fracture. Nothing has been placed on record to show, what to talk of disability, that even any further treatment or even attendant was required by the appellant. No doubt, Chapter XII of the MV Act, 1988 is a beneficial legislation, yet, as cautioned by the Hon’ble Supreme Court, the same cannot be allowed to be treated as a windfall or a source of profit.

Accordingly, I find no ground for enhancement of compensation is made out and the appeal is accordingly dismissed. Pending application(s) if any, shall also stand(s) disposed of.

15.12.2022  
Sunena

(Nidhi Gupta)  
Judge

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No