

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

FAO No.8997 of 2014 (O&M)

Date of decision: 17th August, 2022

Charan Singh

... Appellant

Versus

Attar Singh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sudhir Kumar, Advocate for the appellant.

None for the respondents.

MANJARI NEHRU KAUL, J.

CM No.24598-CII of 2014

In view of the averments made in the application, which is duly supported by an affidavit and could not be controverted as none has entered appearance on behalf of the other side, in the light of settled position that a party should not be denied access to justice on hyper technical grounds and in the interest of justice, taking a lenient view, delay of 113 days in filing the present appeal is condoned.

The application stands disposed off accordingly.

FAO No.8997 of 2014

Injured claimant is in appeal before this Court against the award dated 29.01.2014 passed by the learned Motor Accident Claims Tribunal, Rewari, whereby following compensation was awarded:

Sr. No.	Head	Amount
1.	Pain and suffering	₹ 20,000/-
2.	Medical expenses	₹ 94,375/-
3.	Special diet/attendant charges	₹ 5,000/-
4.	Transportation charges	₹ 5,000/-
5.	Loss of income due to the fracture	₹ 5,000/-
	Total	₹ 1,29,375/-

The claimant was held entitled to the amount of compensation along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till realization of the amount.

Learned counsel for the appellant submits that no doubt the appellant did not suffer any disability, permanent or temporary, after the accident in question; however he sustained fracture on his leg and hand. Learned counsel further submits that the injured on account of the accident remained hospitalized for 12 days which resulted in loss of income to him and thus, he should have been adequately compensated by the Tribunal on this count. He also submits that even under other heads like transportation charges, pain and suffering etc. the amount of compensation required to be reassessed and enhanced.

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

This Court does not find any merit in the submissions made by learned counsel for the appellant. Admittedly, no evidence was led by the injured claimant in support of his avocation or income. In the circumstances, the learned Tribunal did not err in assessing loss of income to the appellant as ₹ 5,000/-. The injured remained hospitalized

only for a period of 12 days. In view thereof, the compensation awarded for pain and suffering, transportation charges, special diet and attendant charges, which stand reproduced in the preceding paragraph of this judgment, comes across as being reasonable and does not, by any stretch of imagination, warrant any interference of this Court. Resultantly, the instant appeal being devoid of any merit stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

August 17, 2022
rps

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