

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO 6781/2016

Date of decision:29/11/2022

Vinod Kumar

.....Appellant

Vs.

Satish and others

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Pankaj Bali, Advocate for the appellant.

Nidhi Gupta,J.

This is an appeal filed by the injured claimant against the Award dated 1.2.2016 passed by the Motor Accident Claims Tribunal, Karnal (for short 'the Tribunal') in MACT Case No.197 of 2014 filed under Sections 166 and 140 of the Motor Vehicles Act, 1988 (for short 'the Act'), seeking enhancement of the compensation of Rs.99,350/- awarded by the Tribunal vide impugned Award.

It is submitted by the learned counsel for the appellant that the compensation awarded is very much on the lower side as nothing has been awarded for the loss of amenities, loss of marriage and attendant charges. No other ground is raised on behalf of the appellant.

A perusal of the impugned award shows that learned Tribunal has considered the matter in great detail and has passed a comprehensive, cogent and well-reasoned Award. Perusal of the award shows that no evidence has been led by the appellant regarding future medical expenses, attendant charges, loss of amenities or even loss of prospect of marriage. As such the abovesaid submissions made by the counsel for the appellant deserve to be outrightly rejected. Furthermore, it has been categorically recounted in the impugned Award that as per testimony of PW3 Dr. JK Gulati, the patient Vinod/ appellant herein was admitted in hospital with alleged history of roadside accident on 2.4.2014, and that on examination and conducting x-rays, compound fracture tibia and fibula left was diagnosed for which he was operated upon and interlocking was done, on the same day and that he was discharged from the hospital on 4.4.2014. Further recorded that total disability suffered by the claimant is 3% and taking half percentage qua whole body, it comes to 1-1/2%, as assessed by the Medical Board. Appellant herein is unable to controvert the above factual position.

PW3 further stated that a sum of Rs.23,000 was charged from the appellant for hospital charges. Further appellant produced bills-receipts worth Rs.7819/-. Accordingly, the Tribunal has correctly awarded Rs.16,200/- towards loss of income; Rs.5000/- for transportation to hospital; Rs. 5000/- for diet and nutrition; Rs.27145/- towards cost of medicines etc.; Rs. 23,000/- towards hospital charges; Rs.20,000/- for pain and suffering; and Rs.3000/- towards loss of future earnings. Thus, the total compensation awarded to appellant comes to Rs.99,345/- which is rounded off to Rs.99,350/- which was further directed to carry interest @ 9% per annum from the date of filing of the petition till realization. As noticed above, the heads under which appellant is seeking enhancement of compensation in the present appeal,

admittedly no evidence was led thereupon before the Tribunal. Even now the appellant is unable to produce any evidence in support of his claims for enhancement.

Accordingly, I find no merit in this appeal and the same is hereby dismissed.

29/11/2022	(Nidhi Gupta)
Joshi	Judge
Whether speaking/reasoned	Yes
Whether reportable	Yes/No