

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

245

**FAO-7099-2017
Decided on : 31.03.2022**

Ajay Sharma

. . . Appellant(s)

Versus

Karambir and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Yash Dev Kaushik, Advocate
for the appellant.

MANJARI NEHRU KAUL, J. (Oral)

The instant appeal has been preferred by the appellant/claimant for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as 'the Tribunal'), vide award dated 10.05.2017, in the claim petition filed under Section 166 read with Section 140 of the Motor Vehicles Act, 1988, wherein, a total compensation in the sum of Rs.2,57,861/- along with interest @ 7.5% per annum from the date of filing of claim petition till its actual realization, was awarded and respondents No.1 to 3 were held liable to pay the amount of compensation to the appellant/claimant.

The Tribunal on the basis of the nature of injuries suffered, age of the appellant/claimant and after taking into consideration the evidence led, awarded the following compensation to him:-

Sr. No.	Head(s)	Amount (in Rs.)
1	<i>Reimbursement of expenses towards the purchase of medicines and hospital charges</i>	<i>Rs.2,32,861</i>
2	<i>For pain and suffering, day to day life (past, present and future), special diet and transportation etc.</i>	<i>Rs.25000</i>
	<i>Total:</i>	<i>Rs.2,57,861</i>

As per the pleaded case of the appellant/claimant while he was going on his motorcycle on the fateful day i.e. 03.10.2015, a car bearing registration No. HR-30M-7337, being rashly and negligently driven by

respondent No.1, came and struck against his motorcycle, as a result of which, the appellant/claimant sustained injuries. On account of the injuries sustained, the appellant/claimant was referred to the Fortis Hospital, Faridabad, where he underwent a surgery.

Learned counsel for the appellant/claimant has challenged the award primarily on the ground that the compensation awarded is meagre and thus calls for re-assessment and enhancement. Learned counsel submits that on account of the injuries suffered by the appellant/claimant, he was hospitalized for a week and underwent a lot of pain & suffering and also incurred various other expenses, which were not taken into account by the Tribunal while passing the impugned award.

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

It is the admitted case of the appellant/claimant that he did not suffer any disability, permanent or temporary on account of the injuries received in the accident in question, except for a fracture on his right arm. As per the evidence led, the total expenditure incurred towards his hospitalization and medicines etc. already stands granted to him. Besides, a sum of Rs.25,000/- has also been awarded on account of pain & suffering, which in the opinion of this Court, is adequate and does not warrant any interference.

As a sequel to the above, this Court does not find any merit in the instant appeal. Consequently, the present appeal stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

March 31, 2022

J.Ram

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