

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO 2267/2006(O&M)

Date of decision: 26.04.2023.

Master Sahil

.....Appellant

Vs.

Ashok Kumar and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sagar Aggarwal, Advocate for the appellants.

Mr. Lalit Garg, Advocate for the Insurance Company.

Nidhi Gupta, J.

Present appeal arises out of claim petition no. 29/2005 filed by the injured claimant Sahil. Prayer in this appeal is for enhancement of compensation of Rs.1.50 lacs granted by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') vide Award dated 7.12.2005 in a petition u/s 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') due to injuries suffered by the claimant/appellant in a motor vehicular accident that took place on 12.11.2001 on account of rash and negligent driving of Tata Sumo No. DL-3CF-4932 (hereinafter referred to as 'the offending vehicle'), being driven by respondent no.1, owned by respondent no.2, and insured by respondent no.3 herein.

Ld. counsel for the appellant submits that the appellant was only 9 years old at the time of accident and he has spent Rs.1.50 lacs on his treatment alone and is therefore, entitled to enhancement of compensation.

In response, it is submitted by the ld. Counsel for the Insurance Company that the appellant had remained admitted in Hospital for three days and had suffered no disability, whatsoever.

Heard ld. counsel.

Perusal of the impugned Award reveals that as per statement of PW1-Smt. Chinu mother of the present appellant (now deceased) Rs.1.50 lacs had been spent on the treatment of the appellant. However, ld. Tribunal has recorded that during the course of arguments it had been admitted by ld. counsel for the claimant/ appellant that amount spent on treatment of Sahil had already been reimbursed by the Department where his deceased father-Jagdish was employed. In this view of the matter, ld. Tribunal has granted Rs.1.50 lacs to the appellant on account of pain and suffering, special diet, transportation charges, attendant charges etc. It is not disputed that the appellant remained admitted in Hospital for three days and suffered no disability.

In view of the above, no ground for interference is made out.

Dismissed.

Pending application(s),if any, also stand disposed of.

26/04/2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned	Yes
Whether reportable	Yes/No