

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****FAO 4780/2019 (O&M)****Date of decision: 20.04.2023****Rajo****.....Appellant****Vs.****Pardeep and others****.....Respondents****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. S.K. Bhardwaj, Advocate for the appellant.****Nidhi Gupta, J.**

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.3,06,982/- granted by the Motor Accident Claims Tribunal, Jind (hereinafter referred to as 'the Tribunal') vide Award dated 19.4.2019 passed in Clam Petition No.115/2016 filed u/s 166 of the Motor Vehicles Act,1988 (hereinafter referred to as 'the Act').

Ld. Tribunal on the basis of pleadings and evidence on record held that the injured claimant suffered injuries in a motor vehicular accident that took place on 5.7.2016 due to rash and negligent driving of Ritz Car bearing registration No. HR-33-D-7233 (hereinafter referred to as 'the offending vehicle') being driven by respondent no. 1, owned by respondent no.2 and insured by respondent no.3. The Tribunal awarded compensation as above along with interest @ 7.5% per annum from the date

of filing of the claim petition till realization. Liability to pay the compensation was joint and several.

Learned counsel for the appellant seeks enhancement on the ground that only Rs.20,000/- have been granted by way of pain and suffering, and ld. Tribunal has merely reimbursed the amount of Rs.2,86,982/- spent by the appellant on medical treatment. It is submitted that the appellant had remained admitted in Hospital from 5.7.2016 to 3.8.2016 and had spent more than Rs.5 lacs on her treatment. It is submitted that accordingly, appellant is entitled to Rs. 2 crores by way of compensation on account of multiple injuries received by her in the accident in question.

No other argument has been raised.

Heard ld. Counsel.

Perusal of the impugned Award shows that as per testimony of PW-4 Dr. B.L. Bagri, Medical Officer, Sarvodya Multi-Speciality and Cancer Hospital, Hisar, appellant remained admitted from 5.7.2016 to 14.7.2016. Said witness proved the copy of MLR Ex.P2 and medical bills Ex.P5 to Ex.P58 produced by the appellant. Ex. P-5 reveals that the appellant spent Rs. 87,390/- on her stay in hospital. However, as no evidence was produced by the appellant to show that she had suffered any disability, as also appellant failed to produce any evidence regarding her income or occupation, ld. Tribunal considered it just and proper to grant Rs.20,000/- for pain and suffering in view of the fact that the appellant had remained hospitalised for 10 days. Even now, ld. Counsel for the appellant has not produced any evidence whatsoever, to show that the appellant had suffered disability of any kind which would disable her from pursuing her (unknown)

avowed vocation. Only bald and unsubstantiated assertions have been made that the appellant suffered multiple grievous injuries without corroborating the same by way of supporting evidence.

For the reasons stated above, finding no merit in this appeal the same is hereby dismissed.

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

(Nidhi Gupta)
Judge

20.04.2023
Joshi

Whether speaking/reasoned	Yes
Whether reportable	Yes/No