

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO 5902/2014 (O&M)

Date of decision:17/01/2023

Jahoor Hassan

.....Appellant.

Vs.

Gaurav and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. JS Saneta, Advocate for the appellant.

Nidhi Gupta, J.

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.32,220/- awarded by learned Motor Accident Claims Tribunal, Panipat (for short 'the Tribunal') vide Award dated 3.3.2014 passed in MACT Case No. 122 of 2013.

The only submission advanced on behalf of counsel for the appellant is that the appellant/claimant had remained an indoor patient from 11.8.2013 to 22.8.2013 and nothing has been awarded to him for his long stay in the hospital. It is further submitted that income of the appellant/claimant has not been taken into account.

Heard Ld. Counsel.

A perusal of the impugned Award shows that learned Tribunal has recorded the following findings in paras 27 and 29 of the impugned Award.

“27. From the evidence available on record, it transpires that the claimant remained admitted as indoor patient from 11.8.2013 to 22.8.2013, for which period, he had suffered loss of income also.

Though claimant has claimed his monthly income as Rs.10,000/- from agriculture, however, nothing has been brought on record to prove anything regarding his profession or income. In these circumstances, monthly income of the claimant is held to be as that of a daily wage earner i.e. Rs.4,200/-. Since claimant remained in hospital for twelve days, his loss of income comes to Rs.1,680/-.

29. In view of the above, claimant Jahur Hasan is held entitled to following compensation under conventional heads:-

1. Medical Expenses	Rs. 15,540.00
2. Better diet.	Rs. 5,000.00
3. Pain & Suffering	Rs. 5,000.00
4. Transportation charges	Rs. 5,000.00
5. Loss of income	Rs. 1,680.00
Total	Rs. 32,330.00”

Learned counsel for the appellant is unable to refute or controvert the above findings of the learned Tribunal. Even now nothing has been produced on record as proof of income claimed by the appellant. Further, admittedly, though the appellant had claimed compensation of Rs. 10 lakhs, yet the appellant had produced and proved medical bills to the tune of Rs. 15,540/- only. Even the disability certificate placed on record by the appellant was not proved in accordance with law, and the said certificate itself bears the caveat that ‘this certificate of a physically handicapped is not valid for claim cases’.

In view of the above, finding no merit in this appeal the same is hereby dismissed.

17/01/2023
Joshi

(Nidhi Gupta)
Judge