

CM-8876-CII-2023 in/&
FAO-1504-2017 (O&M)

2023:PHHC:078133
-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CM-8876-CII-2023 &
CM-5050-CII-2017 in/&
FAO-1504-2017 (O&M)
Date of Decision :29.05.2023

Jitender

...Appellant

Versus

Vikas and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Gaur, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-8876-CII-2023

Present application has been filed for recalling the order dated 05.05.2023 passed by this Court by which, the main appeal was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Order dated 05.05.2023 passed by this Court is recalled and the main appeal is ordered to be restored to its original number and status and is taken up for hearing today itself.

CM-5050-CII-2017

The present application has been filed for condonation of delay

of 29 days in filing the present appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 29 days in filing the present appeal is condoned.

FAO-1504-2017

1. Present appeal has been filed challenging the award dated 20.09.2016 passed by the Motor Accident Claims, Tribunal, Sonipat by which, for the injury suffered by the claimant, a compensation of Rs.95,100/- has been awarded, which is on the lesser side.
2. Learned counsel for the appellant submits that compensation has been assessed by the tribunal without there being any application of mind and the disability suffered by the claimant.
3. On being asked to point out any perversity in the award passed, learned counsel for the appellant has not been able to point out any perversity in the award in question.
4. Rather from the impugned award, it is clear that all the heads including pain and suffering, loss of income, physical disability as well as medical expenses have been taken care of while awarding the compensation to the appellant-claimant. Hence, the argument of the learned counsel for the appellant that compensation has been assessed without there being any application of mind is totally incorrect and the same cannot be accepted.
5. Keeping in view the facts and circumstances of the present case, where a temporary disability was suffered by the claimant and there was only a fracture in the left ulna, it cannot be said that compensation awarded by the tribunal is less in any manner.
6. No other argument has been raised.

7. Keeping in view the facts and circumstances mentioned hereinbefore, as no perversity in the award passed by the tribunal could be pointed out by the learned counsel for the appellant, no interference is called for by this Court and the appeal is accordingly dismissed.

May 29, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No