

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**FAO 8716/2017(O&M)
Date of decision:12/04/2023

Balwinder Singh

.....Appellant

Vs.

Satwant Singh and another

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTAPresent:- Mr. B.S. Saini, Advocate
for the appellant.**Nidhi Gupta,J.****CM 28226-CII/2018**

No ground is made out to condone the delay of 207 days in
filing the appeal.

Application stands dismissed.

Main Appeal.

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.47,000/- granted by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as 'the Tribunal') vide Award dated 22.07.2016 in MACP Case No.0000025/2016 u/s 166 of the Motor Vehicles Act,1988 (hereinafter referred to as 'the Act').

2. Brief facts of the case are that the learned Tribunal on the basis of the pleadings and evidence adduced before it concluded that the injured-claimant/appellant was injured in a motor vehicular accident that took place on 13.11.2015 due to rash and negligent driving of Car being

registration No.PB-11BK-6420 (hereinafter referred to as 'the offending

vehicle'), being driven and owned by respondent No.1 herein, and insured by respondent No.2 herein.

Ld. Tribunal awarded compensation as above alongwith interest @ 7% per annum from the date of filing of the claim petition till realization. Respondents herein were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellant seeks enhancement of compensation on the ground that due to the accident in question, the appellant was left crippled for life as his left leg was fractured and he had also suffered multiple grievous injuries on other parts of his body. It is submitted that the appellant remained hospitalized from 13.11.2015 to 16.11.2015 and he was still undergoing treatment for the injuries suffered. It is submitted that as a result of the said accident, the appellant has become permanently disabled and his physical frame has been disfigured and he has suffered unimaginable pain and agony. It is submitted that prior to the accident the appellant was working as a Granthi/Ragi and was earning more than Rs.40,000/- per month but now he is unfit to do any work nor he is able to travel aboard.

4. No other argument has been raised by the counsel.

5. I have heard learned Counsel.

6. A perusal of the record of the case shows that due to the accident in question the left leg of the appellant was fractured because of which it was plastered. Further record of the case shows that the appellant remained hospitalized for 3 days only i.e. from 13.11.2015 to 16.11.2015 in respect of which he produced medical bills Ex.P-6 to Ex.P-27 for a total amount of Rs.23,377/-(rounded off to Rs.24,000/-) which were duly

reimbursed by the learned Tribunal. Learned Tribunal has further awarded Rs.5000/- towards special diet; Rs.8000/- towards mental pain and suffering; and Rs.10,000/- towards transportation, totaling to Rs.47,000/-.

7. No evidence was led by the appellant in support of his claim that he became permanently disabled in the accident in question. In fact, no doctor has been examined or any other medical record produced to show any kind of disability suffered by the appellant. Even there is nothing on record to indicate that the appellant had suffered any loss of income due to the accident. Even now learned counsel for the appellant is unable to show any kind of disability or loss of income suffered by the appellant.

8. Further perusal of the record shows that though it has been stated by learned counsel for the appellant before this Court that the appellant had suffered fracture of left leg but before the learned Tribunal, it has been pleaded that the appellant had suffered fracture of the right leg. Learned counsel for the appellant is unable to explain this discrepancy, or even clearly show the injuries supposed to have been suffered by the appellant in the accident in question.

9. Accordingly, no ground is made out to interfere in the impugned Award.

10. Present appeal stands dismissed on the grounds of delay, as well as on merits.

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

12/04/2023

ps-I

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Nidhi Gupta)
Judge