

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-5199-2022 (O&M)
Date of decision: 09.03.2023

Satish

...Appellant(s)

Vs.

Pappu Khan & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Arvind Kumar Yadav, Advocate for the appellant.

NIDHI GUPTA, J.

CM-17308-CII-2022

This is an application under Section 151 CPC seeking exemption from filing certified copy of impugned Award and short order dated 03.10.2022. After going through the contents of the application, the same is allowed subject to all just exceptions.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.80,630/- awarded by Motor Accident Claims Tribunal, Rewari (hereinafter referred to as "the learned Tribunal") vide Award dated 03.10.2022 passed in MACP/262/2020 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act").

2. Learned Tribunal on the basis of pleadings and evidence placed before it concluded that the appellant had suffered injuries in a

motor vehicular accident that took place on 28.11.2019 due to rash and negligent driving of vehicle bearing registration No.HR-66A-2648 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1/driver, owned by respondent No.2 and insured by respondent No.3. Learned Tribunal awarded compensation as noted above along with interest @ 6% per annum from the date of filing the petition till its actual realization. Learned Tribunal directed respondent No.3/Insurance Company to pay the amount of compensation to the claimant, but also granted recovery rights to it against respondent No.2/owner of the offending vehicle.

3. Learned counsel for the appellant seeks enhancement of compensation inter alia on the ground:

a) that the appellant had suffered serious multiple injuries, as also head injuries. He remained hospitalized for many days yet, only Rs.21,630/- has been awarded towards medical expenses;

b) that even an FIR was registered against respondent No.1 in respect of the accident in question;

c) that the appellant had been rendered permanently disabled due to the accident in question and therefore, he is entitled to compensation to the tune of Rs.10,00,000/-;

4. No other argument is raised on behalf of the appellant.

5. I have heard learned counsel for the appellant.

6. a) Perusal of record of the case shows that the appellant was an OPD patient, as evident from OPD slip (Exhibit PW5/C). The appellant had produced medical bills Exhibit P8 to Exhibit P12 and Exhibit P15 & Exhibit P16 which depicted that he had spent Rs.21,630/- on his treatment which has been duly reimbursed;

b) Even as per testimony of PW5-Dr.Surender, it has been established on record that the appellant was just an OPD patient and there is no record or evidence regarding any hospitalization;

c) On a Court query, learned counsel for the appellant is unable to inform as to what injuries were suffered by the appellant. In fact, as per the appellant's own affidavit (Exhibit PW1/A) and his testimony as PW1, he has deposed that "*he sustained multiple serious injuries*". However, there is no detail whatsoever regarding what those injuries were. It is trite to suggest that the very fact that the appellant was just an OPD patient and was not even admitted in hospital, the injuries sustained by him could not have been serious in nature.

7. Learned counsel for the appellant is unable to controvert the above said facts.

8. Accordingly, I find no ground is made out to interfere in the impugned Award. Present appeal stands, **dismissed**.

09.03.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No