

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.5373 of 2022 (O&M)
Date of Decision: 26.04.2023**

New India Assurance Company Limited

..... Appellant

versus

Amritpal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Varun Katyal, Advocate
for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present appeal, the challenge is to the award passed by the Motor Accident Claims Tribunal, Rupnagar dated 12.09.2022 by which, the respondent No.1 has been granted compensation in respect of the accident which occurred on 18.01.2021 wherein, respondent No.1 suffered severe injuries on his head and had remained in the hospital. Keeping in view of the fact and the evidence which came on record, the Tribunal allowed a compensation of Rs.14,15,366/- along with interest at the rate of 7% per annum.

Learned counsel for the appellant argues that after the discharge from the hospital, which was in a satisfactory condition, no benefit could have been given to respondent No.1 on account of the claim that due to the accident in question, the appellant could not go back to join his duties in Uganda till the month of October, 2021. Learned counsel for

the appellant further argues that immediately after being discharged, the respondent No.1 could have gone back to join his duties in Uganda, hence, the grant of compensation by the Tribunal including the benefit that due to the injuries suffered in the accident, the respondent No.1 had to remain in India upto October, 2021, is bad.

On being asked to show as to what evidence has come on record that immediately upon the discharge from the hospital, respondent No.1 was fit enough and could have gone back to Uganda to his duties. Learned counsel for the appellant has not been able to show any such document to support his argument.

It may be noticed here that the respondent No.1 had suffered severe head injuries and had to be operated upon. It is also on record that the claimant remained in hospital for a period of two weeks. That being so, it cannot be said that a patient, who had suffered a head surgery and had remained in hospital for a period of two weeks, would be in a condition to join back the duties immediately upon being relieved from the hospital. A person needs to get fit and recoup from the injuries suffered before the said person is in a position to join back the duties, hence, the argument being raised by the appellant, that the benefit which has been extended to respondent No.1 for not being able to join the duties and suffering financial loss due to his accident, which has been taken care of by the Tribunal while passing the impugned Award and the opinion of the Tribunal cannot be treated as arbitrary and illegal.

No other argument was raised.

Keeping in view the above, as no perversity in the findings of the Tribunal could be pointed out by the learned counsel for the appellant, no intervention of this Court is needed in the present First Appeal and the same is accordingly dismissed.

Pending application bearing CM-17997-CII-2022 also stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

26.04.2023

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