

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

FAO 2177/2018(O&M)
Date of decision:12/04/2023

Jagjit Singh @ Jora Singh

.....Appellant

Vs.

Satwant Singh and another

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. B.S. Saini, Advocate
 for the appellant.

NidhiGupta,J.

CM 8300-CII/2018

No ground is made out to condone the delay of 299 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.93,000/- granted by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as 'the Tribunal') vide Award dated 22.07.2016 passed in MACP Case No.0000027/2016 filed 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.

3. Learned counsel for the appellant seeks enhancement of compensation on the ground that as a result of the accident, the appellant has suffered multiple grievous injuries as a result of which he was left crippled and he is unable to do work and still undergoing treatment and he has become 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. It is stated that subsequent to the accident the appellant had remained hospitalized from 13.11.2015 to 18.11.2015 and his left shoulder was operated upon and plates were fixed and he is still undergoing treatment and therefore, compensation be enhanced to Rs.15 lacs.

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 shoulder of the appellant was fractured because of which it was operated upon and plates were fixed. Thereafter, the appellant underwent Physiotherapy as well. Further record of the case shows that the appellant remained hospitalized for a period of five days i.e. from 13.11.2015 to 18.11.2015. In respect of his stay in hospital, the appellant produced medical bills Ex.P-1 to Ex.P-24 for a total amount of Rs.73,875

(rounded off to Rs.74,000/-) which has been duly reimbursed by the learned Tribunal. Learned Tribunal has further awarded Rs.5000/- towards special diet and attendant charges; Rs.8000/- towards mental pain and suffering; and Rs.6000/- towards transportation, totaling to Rs.93,000/-.

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. Accordingly, no ground is made out to interfere in the impugned Award. Present appeal stands dismissed on the grounds of delay, as well as on merits.

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

12/04/2023
ps-I

(Nidhi Gupta)
Judge

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