



FAO-1035-1992

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(112)

FAO-1035-1992

Date of decision: - 29.08.2024

Gurdip Singh Virk

...Appellant

Versus

Azad Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Praagbir S. Dhindsa, Advocate
for the appellant.Mr. Aman Sharma, Advocate,
Ms. Sital Sharma, Advocate, and
for Mr. Chirag Suri, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. Claimant has filed the present appeal for enhancement of compensation and is seeking modification of award dated 14.05.1992.
2. Learned counsel for the appellant has submitted that in the present case, an amount of Rs.10,000/- had been awarded to the present appellant on account of mental pain and suffering, and medical expenses and the same had been granted with an interest @ 12% per annum and the said amount is highly inadequate, inasmuch as, the present appellant had suffered three fractures in the right arm. It is submitted that the present appellant was admitted to the clinic of doctor Dr. Harish Sood for four

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days, wherein, an operation was performed on the bones of the forearm of the present appellant and the same were fixed with plates and screws. Moreover, the appellant underwent treatment from Dr. Sohal of Rajindra Hospital, Patiala. It is stated that two doctors, i.e., Dr. H.S. Sohal as well as Dr. Harish Sood have been examined as AW-2 and AW-3 and they have supported the case of the present appellant.

3. Learned counsel for respondent No.2 has submitted that in the present case, it had been observed by the Motor Accident Claims Tribunal that there was no material to show that the present appellant had suffered any permanent disability nor any specific amount that had been spent on his treatment was stated by the doctor and even the record regarding the amount had been charred and it was only on the basis of compassion that an amount of Rs.10,000/- had been awarded for mental pain and suffering, and medical expenses and the said amount which was awarded in the year 1992 is adequate and there is nothing on record on the basis of which the said amount can be enhanced.

4. Learned counsel for the appellant has submitted that in view of the said finding and in view of the objection raised by learned counsel for respondent No.2, the appellant be granted litigation expenses to the extent of Rs.15,000/-, as he has been pursuing the present appeal since 1992.

5. Keeping in view the above-said facts and circumstances and the limited prayer made by learned counsel for the appellant, this Court is of the opinion that in view of the finding in para 15 of the award of the

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Motor Accident Claims Tribunal, no further amount can be granted to the present appellant on account of medical expenses, and mental pain and suffering, inasmuch as, the finding of the Tribunal to the effect that there was no material to show that the appellant had suffered permanent disability nor there was any specific evidence with respect to the amount spent by him on the treatment has not been shown to be perverse or illegal. Apparently, the record of the medical expenses borne by the appellant had been destroyed, as had been stated by AW-3 Dr. Sood in his examination-in-chief, which fact has been recorded in para 14 of the award of the Tribunal. However, keeping in view the limited prayer of learned counsel for the appellant and the fact that the present appellant who had suffered three fractures in the year 1989 has been pursuing the present appeal for the last several years and also the fact that an FIR was registered against the driver of the bus, litigation expenses to the tune of Rs.15,000/- is directed to be paid by respondent No.2 to the present appellant.

6. Accordingly, the present appeal stands disposed of.

August 29, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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