



FAO-7659-2014 (O & M)

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

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FAO-7659-2014 (O & M)
Date of decision:09.01.2025

DHARAMPAL

...APPELLANT

VS.

OM PARKASH & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. J.P. Sharma, Advocate for the appellant.

**Service of respondents No.1 & 2 was ordered to be
dispensed with by this Court vide order dated 21.07.2016.**

Mr. Paul S. Saini, Advocate
for respondent No.3-Insurance Company.

SUVIR SEHGAL, J.

1. Claimant-appellant has approached this Court by way of present appeal filed under the Motor Vehicles Act, 1988, for enhancement of the compensation awarded to him by the Motor Accident Claims Tribunal (for short "the Tribunal"), Narnaul, vide award dated 14.05.2014.

2. Counsel for the appellant has submitted that the appellant suffered injuries in an accident, which took place on 11.01.2012, when the motorcycle, which he was driving, was hit by a jeep being driven in a rash and negligent manner by respondent No.1. He states that the appellant was rushed to Civil Hospital, Chirawa, from where he was referred to Rukmani



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he underwent treatment. He submits that an FIR was registered and respondent No.1 faced a criminal trial. By making a reference to the medical record, counsel for the appellant urges that the appellant is undergoing medical treatment till date, for the injuries sustained and the amount of Rs.68,433/- awarded by the Tribunal is highly inadequate. He claims enhancement of the compensation.

3. Prayer has been opposed by counsel for respondent No.3 who submits that the Tribunal has weighed all the material to arrive at the compensation figure and the appellant is not entitled to any enhancement.

4. I have heard counsel for the parties and considered their respective submissions.

5. The factum of accident as well as the rash and negligent driving by respondent No.1 has been established on the record before the Tribunal. Appellant has led evidence to show that he remained hospitalized from 11.01.2012 to 15.01.2012 and was operated upon. He has produced medical bills, Ex.P-6 to P-15, reflecting an expenditure of Rs.23,433/-. He has suffered a permanent disability of 5%, which is apparent from the certificate, Annexure P-16. As the appellant had suffered a fracture, Tribunal awarded an amount of Rs.10,000/- each under the head of pain and suffering, attendant charges and transportation charges. An amount of Rs.5,000/- was awarded on account of special diet besides medical expenses incurred by the appellant. An amount of Rs.10,000/- was awarded on account of the permanent disability. On this basis, the Tribunal awarded an amount of Rs.68,433/- alongwith interest @ 9% from the date of filing of the claim



6. Counsel for the appellant has made a reference to the medical record, Annexure A-1, which he is seeking to produce by way of an additional evidence. An analysis of these documents show that these are medicine bills and reports of various tests undergone by the appellant. There is no material to show that the tests or the medicines prescribed to the appellant are because of the injuries, which were suffered by him in the vehicular accident in the year 2012. This Court is of the view that the compensation awarded by the Tribunal is adequate and there is no scope for enhancement.

7. Finding no merit in the appeal, it is dismissed.

8. Pending miscellaneous application also stands disposed of.

09.01.2025
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No