



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

109

FAO-8370-2017 (O&M)
Date of Decision: 03.09.2025

SANJAY @ SANDEEP

....Appellant (s)

VERSUS

DEVI LAL AND ORS.

....Respondent(s)

CORAM : HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Vikas Bishnoi, Advocate for the appellant.

PARMOD GOYAL, J. (Oral)

CRM-27411-CII-2017

Vide present application, applicant has sought condonation of delay of 61 days in filing the appeal.

For the reasons stated in the application, delay of 61 days in filing the appeal is condoned.

CRM stands disposed of.

Main Case

1. The appellant is aggrieved by impugned award dated 10.05.2017 passed by Motor Accident Claim Tribunal, Fatehabad, (hereinafter referred as "Tribunal") whereby appellant Sanjay @ Sandeep was found entitled to compensation of Rs.7,00,000/- for the injuries sustained in accident dated 16.06.2016 caused by respondent no.1 while driving vehicle bearing No. HR-37-B-4029 in rash and negligent manner.

The following compensation was ordered to the claimant by the tribunal:-



i.	Pain and suffering:	Rs.60,000/-
ii.	Medical expenses	Rs.5,30,000/-
iii.	Loss of amenities of life, loss of earning capacity and future income etc.	Rs.70,000/-
iv.	Transportation charges:	Rs.20,000/-
v.	Special diet & attendant charges	Rs.20,000/-
	Total	Rs.7,00,000/-

2. It is a case of claimant that after accident, he was initially taken to CHC, Julana where he was given first aid and later referred to PGI, Rohtak. At PGI, Rohtak, he was medico-legally examined and was admitted in Sarvodaya Hospital, Hisar on 16.06.2016 itself. He claimed to have been remained admitted there till 09.07.2016. Thereafter, he was again admitted in the hospital on 19.07.2016 and was discharged on 23.07.2016. A sum of Rs.10,00,000/- was spent on his treatment i.e. medicines, special diet, hospitalization, transportation and various test etc. Further, he claimed to be working as an agriculturist and also working as Helper on Pick Up bearing registration No HR-37-B-4029. Petitioner claimed that he was earning Rs.30,000/- per month. He also claimed that due to injuries sustained in the accident, he became permanently disabled. However, claimant while appearing as witness in support his case, admitted that he has not got record regarding his age, income, occupation etc.

3. Appellant has also examined PW-1, Dr. B.L. Bagri, Medical Officer, Sarvodaya Multispeciality Hospital, Hisar who duly stated that claimant was admitted in their hospital after first aid at PGI, Rohtak. He was discharged in stable condition on 09.07.2016. That hospital had charged a sum of Rs.2,16,000/- vide bill Ex.P2. He further asserted that claimant was



again admitted on 19.07.2016 and was discharged on 23.07.2016. Again he was charged Rs.37,000/- towards hospital bill (Ex. P3). Claimant has also placed on record Exhibit P-4 to P-26 i.e. blood receipts and investigation receipts, photocopy of bed head ticket as Exhibit P-29 and medicines bills as Exhibit P-31 to P-66 (proved by PW-5 from Laxmi Medical Hall near CMC Hospital, Hisar). Dr. Manesh Mahana, Medical Officer (PW-6) had stated to have medico- legally examined the claimant on 16.09.2016. No other evidence was led by the claimant in this regard.

4. Learned Tribunal concluded that claimant had suffered grievous injuries and must have undergone immense pain and mental agony as he had remained admitted for 38 days, accordingly, awarded compensation noted above in very liberal manner. Admittedly, appellant had not placed any disability certificate on record of learned Tribunal. The evidence regarding expenses had gone unrebutted. Considering evidence of claimant specially that of doctors PW-1 & PW-6, learned Tribunal had concluded that appellant received grievous injuries and remained hospitalised for about 38 days.

5. Learned counsel for the appellant has argued that appellant has got disability certificate dated 13.09.2017 but the appellant could not place the same on record. Perusal of the file goes to show that award was passed by learned Tribunal on 10.05.2017 and present appeal was filed on 09.10.2017. However, neither at the time of filing of present appeal nor thereafter during the last 8 years any application has been moved by learned counsel for the claimant to place disability certificate on record and prove the same in accordance with law. Merely asserting availability of disability



certificate at the time of arguments specially when matter is pending for last 8 years at the motion stage specially when notice of motion has not been issued till date will not help the case of appellant. Fault lies either with the appellant or his counsel for taking things lightly. Learned counsel at this stage is pressing for an adjournment, however, that is not acceptable. There is no reason to adjourn the case. The appellant and his counsel both had sufficient time to place on record disability certificate if one exists, as being claimed by the learned counsel. None had stopped them from doing so. In absence of any disability certificate or evidence showing any disability, no fault with the compensation awarded by learned Tribunal can be found. It is worth noticing that accident had occurred on 16.06.2016 and till date neither disability certificate has been placed on record, nor any application was moved.

6. After the request for adjournment has been declined by this Court, learned Counsel insisted that LCR be called for. It is worth noticing that matter is pending for last 8 years and no request for summoning LCR has been ever made. Moreover, at the motion stage when notice of motion is yet to be issued, the appellant was free to place and rely upon any document which is part of record, but no such effort has been made and the request to summon LCR is an excuse for seeking adjournment. There is sufficient material available in the case file to conclude as to whether learned tribunal has erred or not.

7. It is pertinent to note that present case has been taken up for hearing on three occasions, however, the matter was never argued and was



adjourned for one reason or the other either on the request of learned counsel for the appellant or due to his absence.

8. Learned counsel has failed to show any defect with impugned award. The learned Tribunal has liberally and graciously awarded compensation as per evidence available on record.

9. Accordingly, appeal is without any merit and hence dismissed.

10. Pending application(s), if any, are also disposed off.

(PARMOD GOYAL)
JUDGE

03.09.2025
Deepak Patwal

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |