

(2011) 02 P&H CK 0328

In the Punjab And Haryana At Chandigarh

Case No : Cross Objection No. 39-CII or 1992 and FAO No. 805 of 1989 (O and M)

Rupinder Singh alias Raju

APPELLANT

Vs

Krishan and Others

RESPONDENT

Date of Decision : 16-02-2011

Acts Referred:

Citation : (2011) 02 P&H CK 0328

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

K. Kannan, J.—The appeal is for enhancement of claim for compensation for injuries suffered in a motor accident. The evidence was that he had been hospitalized for three days. He was a Supervisor with a private contractor, earning Rs. 1,000/-per month. The Tribunal, while assessing compensation, awarded Rs. 4,000/- for medicines and Rs. 6,000/- for pain and suffering. The overall compensation was Rs. 10,000/-

2. The learned Counsel states that the loss of income had not been given and the extent for transportation was also not given. Both these are pecuniary heads of compensation for which specific evidence is necessary. I would not make a conjecture on an aspect of the case where there is no evidence available. The overall compensation of Rs. 10,000/- must be taken as going to satisfy the claim relating to loss of income as well as the transportation also. I will see no reason to make modification of the award. The appeal is dismissed.

3. There is cross objection also by the driver stating that the award had been wrongly made against him and the Insurance Company was exonerated. If the driver had been aggrieved about the decision, there must have been an independent appeal, for, in a case where the Tribunal proceeded to dismiss the appeal, the cross objection could be only on objection relating to the claim made

by the Appellant. He cannot seek for adjudication with the co-Respondent in the absence of appeal. The cross objection is also dismissed.