

(1984) 07 P&H CK 0081
In the Punjab And Haryana At Chandigarh

The New India Assurance Co. Ltd. and Others

APPELLANT

Vs

Padam Kumar Jain and Others

RESPONDENT

Date of Decision : 30-07-1984

Acts Referred:

Citation : (1984) 2 ACC 371

Hon'ble Judges : S.S. Sodhi, J

Bench : Single Bench

Judgement

S.S. Sodhi, J.—The challenge here is to the Award of Rs. 15,000/- as compensation to the claimant Padam Kumar Jain for the injuries sustained by him, when while travelling on his scooter HRE-2050, he was involved in an accident with a car at Ambala Cantt. This happened on December 24, 1973 at about 7 P.M.

2. It was the finding of the Tribunal that the accident here had been caused entirely due to the rash and negligent driving of the car driver. This finding has not been challenged in appeal.

3. The controversy in appeal here is with regard to the amount awarded as compensation.

4. Mr. G.S. Chawla, counsel for the Insurance Company assailed the compensation awarded on the ground that the claimant had led no medical evidence with regard to the injuries suffered and their consequences to him and nor had he produced any evidence on record to corroborate his medical expenses and the damage he may have suffered on account of loss of business.

5. There is on record the testimony of the claimant Padam Kumar Jain that in this accident, he suffered three fractures on his left leg and on account of the operations that he had to undergo, his left leg has now been shortened by half an inch. He also deposed that he remained admitted in the Mission Hospital, Ambala for about one and a half years and later for about three months at the Military Hospital, Ambala.

6. Further, the claimant deposed that he may have spent Rs. 10,000/- to Rs. 15,000/- on his medical treatment besides suffering a loss of income in his business, where he was earning Rs. 500/- to Rs. 600/- per month.

7. It is no doubt true that no Doctor was examined to testify the injuries suffered by the claimant, his treatment and hospitalisation, but it is significant to note that the statement of the claimant that he had suffered fractures in his left leg and that it had been shortened on that account was in no manner questioned. It was not even suggested in his cross-examination that he had not suffered these injuries or that his leg had not been shortened thereby. Similarly, his statement regarding the period of hospitalisation was allowed to go unrebutted. In these circumstances, the Tribunal cannot be said to have committed any error in relying upon this part of the claimants case.

8. As regards the medical expenses and loss of business, no evidence from the side of the claimant is forthcoming to corroborate it. It would, thus, not be correct to accept the mere word of the claimant on these matters. It would be reasonable to assume however, that some amount must indeed have been spent by the claimant on his medical treatment and other incidentals.

9. Considered in the totality of the circumstances of the case, in the context of the nature and extent of the injuries suffered by the claimant and the disability caused to him, the amount awarded can by no means be said to be either excessive or unreasonable and thus warrants no interference in appeal.

10. This appeal is consequently hereby dismissed with costs. Counsel's fee Rs. 300/-.