

(2001) 03 DEL CK 0168

Delhi High Court

Case No: L. P. A. 102/96

Mr. Jagdish Kumar Sharma

APPELLANT

Vs

D.T.C. and others

RESPONDENT

Date of Decision: March 13, 2001

Citation: (2001) 4 AD 145 : (2001) 90 DLT 487 : (2001) 58 DRJ 142

Hon'ble Judges: M.S.A. Siddiqui, J; B.A. Khan, J

Bench: Division Bench

Advocate: Mr. O.P. Goyal, for the Appellant;

Judgement

@JUDGMENTTAG-ORDER

Khan

1. Appellant sustained injuries in a road accident on 19.9.1968. He claimed that he suffered a compound fracture in the left leg and some serious injuries on other parts of his body. He filed claim Suit No.478/68 (354/79) claiming compensation of Rs.65,000/-. But MACT awarded him Rs.13,000/- special damages and Rs.7,000/- general damages, totalling Rs.20,000/- in all, vide award dated 29.8.1979.

2. He felt dis-satisfied and filed FAO 156/80 for enhancement of compensation. But First Appellate Court affirmed special damages award of Rs.13,000/- but enhanced it for general damages from Rs.7,000/- to Rs.20,000/-, after noticing that he had undergone surgery and remained under treatment from 19.9.1968 to April, 1970.

3. Appellant has filed this LPA now, asking for further enhancement of compensation on the ground that he had remained under treatment in different hospitals from time to time and had undergone surgery whereby a bone was taken from his hip and grafted in his leg. He also claimed that his left leg had shortened by two inches.

4. We have examined the record and found that both the tribunal and First Appellate Court had passed the award on appreciation of available evidence on record and

had accordingly awarded compensation in accordance with their respective perspective. It seems that appellant had failed to produce any medical evidence to support his higher claim for compensation. No medical document was placed by him on record before Tribunal or court to indicate the shortening of his left leg or for that matter the expenses incurred by him in undergoing various operations. Though he had examined some of his doctors also but there was nothing to show the extent of disability suffered by him. In the circumstances it becomes difficult to disturb the concurrent findings of fact recorded by tribunal and First Appellate Court and to award any higher compensation. This appeal accordingly fails and is dismissed.