

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

FAO No.5687 of 2002 (O&M)

Date of Decision: 24.04.2015

Satish Kumar

.....Appellant

Versus

Tarsem Lal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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| 1. Whether Reporters of local papers may be allowed to see the judgment? | Yes |
| 2. To be referred to the Reporters or not? | |
| 3. Whether the judgment should be reported in the Digest? | Yes |

Present:- Mr. Vishal Yadav, Advocate for
Mr. Ajay Ghangas, Advocate,
for appellant.

Mr. Gopal Mittal, Advocate,
for respondent No.3.

SHEKHER DHAWAN, J (ORAL)

Claimants being dis-satisfied with the award dated 12.09.2002 passed by Motor Accidents Claim Tribunal, Panipat (hereinafter referred to as 'The Tribunal') whereby 'The Tribunal' awarded compensation of Rs.30,000/- on account of injuries having been suffered by claimant.

2. Mr. Vishal Yadav, Advocate for appellant took the plea that 'The Tribunal' has not awarded 'Just Compensation' though appellant remained indoor patient for nine days. He has not been adequately compensated on account of pain and sufferings. So, the compensation amount be enhanced suitably.

3. Mr. Gopal Mittal, Advocate, learned counsel for respondent No.3

took the plea that 'The Tribunal' has already awarded 'Just Compensation' and appeal is without any merit and same be dismissed.

4. Having considered the rival contentions and the fact that the appellant remained as indoor patient for nine days and had suffered pain and sufferings because of injuries having been sustained in the accident. Though he has been compensated for the actual amount spent on the treatment, but it is a matter of common knowledge that an indoor patient as well as his attendants cannot procure and preserve all the bills against which they had spent substantial amount during the treatment. Pain and suffering are to follow in all such cases of miseries of life. The compensation in this case accordingly enhanced from Rs.30,000/- to Rs.45,000/-.

5. The payment be made within two months from today failing which appellant shall be entitled to recover interest @ 7.5% per annum.

6. In view of the above, the appeal is partly accepted.

(SHEKHER DHAWAN)
JUDGE

April 24, 2015
msd