

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

FAO No.4061 of 2003 (O&M)

Date of Decision: 18.05.2015

Jarnail Singh

.....Appellant

Versus

Devinder Kaur 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. Jatinder Nagpal, Advocate,
for applicant-appellant.

Mr. Vinod Gupta, Advocate,
for respondent-Insurance company.

SHEKHER DHAWAN, J (ORAL)

Appellant seeking enhancement of awarded amount of compensation vide award dated 01.08.2003 by Motor Accident Claims Tribunal, Patiala (hereinafter referred as 'The Tribunal').

2. Appellant met with accident and sustained 100% disability because of spinal injuries and remained admitted in Indian Spinal Injury Hospital, New Delhi for more than one year. He had spent a sum of ₹3,55,000/- on his medical treatment which has already been reimbursed by 'The Tribunal'. A sum of ₹1,00,000/- only was awarded on account of future medical expenses.

3. Mr. Jatinder Nagpal, learned counsel for appellant urged that Jarnail Singh died subsequently i.e. after 4 years of the date of accident and

he had to spent a huge amount for the period till his survived but 'The Tribunal' has not awarded 'Just Compensation'.

4. Mr. Vinod Gupta, learned counsel for respondent took the plea that 'The Tribunal' has already taken care of all the medical expenses incurred by appellant and his family member and appellant was compensated on account of loss of earnings and all other heads making him entitled to seek compensation and as such appeal is without any merit.

5. Having considered the rival submissions made by learned counsel for both the parties, this Court is of the considered view that 'The Tribunal' has already compensated the appellant for medical expenses, loss of income, attendant charges and other heads. However 'The Tribunal' awarded a sum of ₹1,00,000/- on account of future medical expenses. It is a matter of common knowledge that in such like cases of 100% disability because of spinal injury and appellant remained as indoor patient in Indian Spinal Injury Hospital, New Delhi for a pretty long period. 'The Tribunal' did not assess just amount on account of future medical expenses.

6. As such the awarded amount of compensation is enhanced by ₹2,00,000/- on account of future medical expenses. The amount of compensation shall be payable from the date of claim petition.

7. The awarded enhanced amount of ₹2,00,000/- be paid within a period of 45 days from today failing which appellant shall be entitled to receive interest @ 7.5% per annum.

8. Appeal partly accepted.

(SHEKHER DHAWAN)
JUDGE

May 18, 2015

msd