

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.1419 of 2002 (O&M)

Date of Decision: 23.04.2015

Prubjyot Singh Sidana

.....Appellant

Versus

Suresh Kumar Gupta and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Present:- Mr. Sunil Chadha, Senior Advocate with
Ms. Swati Verma, Advocate,
for appellant.

Mr. Suvir Dewan, Advocate,
for respondent No.3.

SHEKHER DHAWAN, J

Appellant-claimant has challenged the award dated 06.10.2001 by Motor Accident Claims Tribunal, Jalandhar (hereinafter referred as 'The Tribunal') whereby 'The Tribunal' awarded compensation to the tune of ₹4,50,000/- on account of injuries having been sustained by appellant in this accident.

2. Relevant facts for the purpose of decision of appeal are that on 26.06.1997 Tata Sumo bearing registration No.RJ-14-2C-5131 which was being driven by respondent No.1, in the area of P.P. Basant Pur near Rajpura, District Patiala struck against the car bearing registration No.PB-57-69. The said Tata Sumo was being driven in rash and negligent manner.

The accident resulted into multiple injuries to the claimant and as such

claim petition before the Court.

3. Respondents contested the claim petition. 'The Tribunal' after appreciating the material and evidence available on file awarded the compensation to the tune of ₹4,50,000/-.

4. Being dis-satisfied with the awarded amount of compensation, appellant is in appeal before this Court.

5. Mr. Sunil Chadha, Senior Advocate learned counsel for appellant-claimant took the plea that 'The Tribunal' has not awarded 'Just Compensation' though claimant, who is a practising lawyer suffered 40% disability. Nothing has been added on account of future prospects of earning and lesser amount has been awarded on account of disability. More so nothing has been awarded on account of attendant charges though claimants suffered 40% disability.

6. Mr. Suvir Dewan, Advocate, learned counsel for respondent No.3-Insurance company took the plea that 'The Tribunal' has already awarded 'Just Compensation'.

7. Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that 'The Tribunal' has already taken care of disability suffered by appellant which was assessed to be 40% and the same was assessed to be 20% qua whole body. 40% permanent disability was of segmental fracture of right femur with stiff knee and hip joint. 'The Tribunal' also observed in its award that during the cross-examination of medical specialist, it was evident that witness tried to help the petitioner to show increased extent of permanent disability suffered by the petitioner and also admitted that for infection 10% additional weightage has been given. He has assessed disability to the extent of 40%

by calculating 20% on account of infection and malalignment and remaining 20% on the basis of prescribed proforma. 'The Tribunal' also rightly observed the disability of 40% is not of whole of the body but the same is qua leg only. 'The Tribunal' has already taken care of amount spent on the treatment of claimant and sufficient amount has been awarded on account of pain and suffering and loss of amenities of love and special diet. Another sum of ₹25,000/- has also awarded on account of another operation to be performed in future which had been recommended by the Doctor. A total sum of ₹2, 27,000/- was awarded on account of purchase of medicines, medical equipments, operation, staying charges in the hospital, travelling charges, attendant charges and thereafter the total amount of compensation ₹4,50,000/- was awarded to the appellant.

8. No ground is made out for further enhancement. Present appeal being devoid of any merit stands dismissed.

(SHEKHER DHAWAN)
JUDGE

April 23, 2015
msd