

**478 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.931 of 2003 (O&M)

Decided on: 14.5.2015.

Rattan Lal

... Appellant

Versus

Purshotam Lal and others

... Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. V.B. Aggarwal, Advocate,
for the appellant.

None for the insurance company.

Mr. Gaurav Bansal, AAG, Haryana,
for respondents No.3 & 4.

K.C.PURI.J.(ORAL)

None has appeared on behalf of respondents No.1, 2 and 5. Earlier, Mr. Shakun Chaudhary, Advocate, had been appearing for respondent No.1. So, respondent No.1, 2 and 5 are proceeded exparte.

This appeal has been directed by Rattan Lal injured claimant against the Award dated 14.11.2002 passed by Sh. Subhash Goyal, Presiding Officer, Motor Accident Claims Tribunal, Kurukshetra (for short "the Tribunal") vide which the claim petition was partly accepted and a sum of Rs.30,500/- was granted to the claimant in respect of injuries sustained by him in a motor vehicular accident.

The claimant has preferred this appeal for enhancement and as such, other facts need not be narrated.

Learned counsel for the appellant has submitted that a sum of Rs.8500/- has been allowed in respect of medical expenses. The claimant remained in hospital for 25 days and only Rs.2000/- has been allowed in respect of attendant charges. The claimant suffered permanent disability to the extent of 16% and only Rs.20,000/- have been granted in that respect. So, the amount of compensation is on lower side. The Tribunal should have allowed amount in respect of special diet during the period of hospitalization. The Tribunal should also have allowed loss of income during the period of hospitalization. It is further submitted that no amount in respect of loss of future income has been allowed and as such prayer has been made for enhancement of the compensation.

In this case, the factum of accident has not been disputed. The claimant has examined PW-1 Dr. Pardeep Gupta, Orthopaedic Surgeon, who has stated that on 27.12.1998 he examined the claimant and found following injuries on his person:-

- (i) Wound 4" in length horizontally placed over the quadriceps and just above the patella sustained from outside.
- (ii) Swelling right knee and calf. Advised x-ray. A.P.

and lateral of right leg which shows fracture of meta
fugel region.

He has further stated that traction was given and POP was applied and the claimant was discharged on 22.1.1999. He has also contended that he charged Rs.6500/- and Rs.3000/- were spent on medicines and Rs.2000/- were spent on medicines after discharge.

On 15.11.2000 PW-2 Dr. C.R. Khatri has assessed the disability of the claimant to the extent of 16% on account of loss of movement of right knee joint. He has stated that the claimant suffered fracture of both bones of right leg. The Disability Certificate was produced as Ex.P-2. The claimant PW-3 has stated that he has suffered fracture of right leg and became unconscious and later on he was admitted in Civil Hospital, Shahabad and thereafter in Ashirwad Nursing Home, Kurukshetra and spent Rs.30,000/- on his treatment. The total bills produced on the record were to the tune of Rs.8500/- and that amount has been granted. However, the Tribunal has lost sight of the fact that the claimant could not keep all the bills. So, another sum of Rs.2500/- stands allowed in respect of medical expenses. The amount of Rs.20,000/- in respect of 16% disability is on lower side. A sum of Rs.32,000/- stands allowed in respect of disability and pain and suffering. The Tribunal has allowed Rs.2000/- on account of attendant charges. That amount is maintained. However, another sum of Rs.3000/- stands allowed in respect of special diet during the period of

hospitalization. The claimant is also allowed Rs.2000/- in respect of loss of income during the period of hospitalization. The claimant is granted another sum of Rs.20,000/- regarding future loss of income. In this manner, the claimant is held entitled to claim Rs.70,000/- in all. The enhanced amount shall carry interest @ 7.5% per annum from the date of petition till payment. The liability to pay the amount shall be the same as ordered by the Tribunal.

14.5.2015.
SN

(K.C.PURI)
JUDGE