

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

FAO No.3065 of 1996 (O&M)

Date of Decision: October 13, 2015.

Dalip Chand

.....APPELLANT(s).

VERSUS

Ved Pal

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sagar Aggarwal, Advocate for
Mr. Ashit Malik, Advocate
for the appellant (s).

None for the respondent.

SURINDER GUPTA, J.

This appeal has been filed by the appellant-claimant against the award dated 06.08.1996 passed by Motor Accident Claims Tribunal, Karnal (later referred to as the Tribunal) whereby a compensation of ₹15,000/- was allowed to the claimant for the injuries sustained by him in a motor vehicle accident on 06.07.1995 with Tempo bearing registration No.HR-31-0982 (later referred to as the offending vehicle).

The detailed facts of the case are not being discussed as the only question involved in this appeal is as to whether the claimant is entitled to enhancement of compensation.

Learned counsel for the appellant-claimant has argued that the compensation allowed by the Tribunal for the injuries and disability suffered by the claimant is on lower side. The claimant was 35 years of age at the time of accident and was working as gents tailor prior to the accident. The claimant while appearing as PW1 has stated that he remained admitted in the hospital for about two months and spent ₹25,000/- on his medical treatment, special diet, transportation etc. He had suffered fracture of left leg and was getting treatment even at the time of recording his statement in August, 1996. The claimant has stated that due to the injuries received by him, he cannot work properly. The Tribunal has allowed ₹10,000/- towards medical expenses, transportation, special diet etc. and ₹5,000/- in lump sum towards disability, pain and suffering and financial loss which are on lower side.

On perusal of record of the Tribunal, I find that it is a case where claimant has not produced evidence sufficient to assist the Tribunal to calculate the actual medical expenses, loss of income and disability suffered by the claimant. No medical evidence was produced by the claimant. From disability certificate Ex.P1, it appears that 35% disability was not suffered on account of injuries received in the accident, rather it was post polio disability. The medical bills produced on record Ex.P3 to Ex.P10 are of ₹700/- only. However, the x-ray report shows that he had suffered fracture of left leg. It is a matter of common knowledge that fracture takes 6 to 10 weeks or even more to get cured.

Keeping in view the above facts and circumstances, the compensation to which the claimant is entitled, is assessed as follows:-

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Loss of income during treatment	₹5000
(ii)	Pain and sufferings	₹4000
(iii)	Attendant services	₹2500
(iv)	Medical expenses	₹3000
(v)	Future medical expenses	₹2500
(vi)	Special diet	₹3000
(vii)	Transportation	₹2000
(viii)	Loss of amenities of life	₹5000
<i>Total</i>		₹27000

The appeal is accordingly allowed. Compensation amount of the appellant-claimant is enhanced from ₹15,000/- to ₹27000/-. The claimant shall also be entitled to the interest on the compensation amount @ 7.5% per annum from the date of filing of the claim petition till the payment is made.

October 13, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE