

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1148 of 1999 (O&M)
Date of Decision:07.10.2015

Sunder Ram

....Appellant

Versus

Balwinder Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Argued by: Mr. Sagar Aggarwal, Advocate for
Mr. Ashit Malik, Advocate for the appellant.

Mr. Dhirender Chopra, Advocate for respondents No.1 & 2.

None for respondent No.3.

NAVITA SINGH, J.

1. This appeal is preferred against the award dated 9.10.1998 passed by Motor Accidents Claims Tribunal, Karnal (Tribunal for short) granting compensation to the tune of Rs.1,50,000/- to the appellant on account of injuries received by him in a motor vehicle accident. Enhancement is sought.

2. Counsel for the appellant argued that the latter was injured seriously in a motor vehicle accident which took place on 9.7.1997 and despite producing the bills for medical expenses, an amount of Rs.40,000/- was given in place of Rs.60,670/-, erroneously holding that the bills were not proved. The bills issued by the chemists were all on record. The other bills which were marked and not exhibited were considered while amount of remaining cash memos were disallowed. An amount of Rs.2775/- was given on account of special diet. Besides, the amount of medical expenses, only an amount of Rs.2775/- was awarded cumulatively. The amount of Rs.4750/- and Rs.2475/- was given in special damages.

3. It was then contended that a gross sum of Rs.1,00,000/- was awarded on account of loss of income, pain and suffering and mental shock.

That amount was awarded as general damages while the amount of Rs.50,000/- was given as special damages.

4. Counsel for the respondents argued that all the heads were properly taken care of by the Tribunal and sufficient amount was awarded keeping in view the year of accident. This argument, however, not convincing because in view of the nature of injuries, the amount for special diet was short and nothing was awarded for special attendant.

5. It is, therefore, held that the total amount spent on treatment/medicines etc. should have been given which would be Rs.60,670/-. The amount for special diet and special attendant is given as Rs.20,000/- minus the amount of Rs.2775/- was already awarded. The total amount of compensation is enhanced by Rs.37,895/-.

6. The appeal is disposed of in the above terms.

(NAVITA SINGH)
JUDGE

07.10.2015
Ishwar

Whether to be referred to reporter: Yes/No