

202.

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

FAO No.3550 of 1999 (O&M)

Date of decision: 20.11.2015

Jagdish Chander

... Appellant

versus

Roop Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajeev Dhawan, Advocate,
for the appellant.

Mr.D.S. Nain, Advocate,
for respondent No.3.

Mr. Pradeep Kumar, Advocate,
for Mr. Rajesh K. Sharma, Advocate,
for respondent No.4.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The appeal is for enhancement of claim for compensation for injuries suffered by the claimant in a motor accident. The petitioner was said to be engaged in the business of selling vegetables and also doing dairy farming. He had injuries on his skull that required stitches to be applied. 22 stitches were said to have been applied to him. He had been admitted in Rajindera

Hospital, Patiala first and later after the discharge was taking treatment with one Vinod Chopra, who had relieved him of the pain by accupuncture and panchkarma therapy as indoor treatment. He had 4 spells of admission lasting for 17 days, 17 days, 13 days and 14 days. The court, while assessing compensation, found that there was no adequate evidence to determine claimants' assertion that he was earning about ₹15,000/- and hence, took the income as ₹4,000/-, applied the loss of income for 4 months. It provided ₹5,000/- for pain and suffering and provided ₹22,000/- towards medical expenses. It also granted ₹2,000/- towards transport and diet expenses.

2. Since the medical expenses have been calculated at the actuals produced by the petitioner, I find no scope for modification, although the petitioner was contending that he had spent about ₹60,000/-. I will increase the component of pain and suffering as an additional amount of ₹10,000/- and provide ₹15,000/- as going towards the pain and suffering. Since he had 4 spells of indoor treatment lasting for the several dates, I would also provide additionally a sum of ₹5,000/- for attendant charges. Against the assessment of ₹2,000/- per month as the loss of income, I will provide for an additional amount of ₹1,000/- for that would be another ₹4,000/- in addition. In all, the additional compensation which the petitioner would be entitled to would be ₹19,000/- The

additional compensation will attract interest at 7.5% per annum from the date of petition till date of payment. The liability shall be in the same manner as determined by the Tribunal.

3. The award is modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

20.11.2015
sanjeev