

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

FAO No.497 of 1998

Date of decision: 11.03.2015

Lachhman Dass

....Appellant

Versus

Amrik Singh and others

....Respondents

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

Present: Mr. R.K. Bansal, Advocate
for Mr. Rajinder Goyal, Advocate
for the appellant.

Mr.Gaurav Vaksal, AAG, Haryana.

K.C. PURI J. (Oral)

This is a petition for enhancing the amount of compensation filed by injured-claimant. The learned trial Court has allowed a sum of Rs.57,500/- in all, out of the said amount Rs.32,500/- was the actual medical expenses regarding which the counsel for the appellant has not made any argument. The only point raised before this Court is that a sum of Rs.25,000/- in respect of permanent disability of 15% is on the lower side. Learned counsel for the appellant has submitted that AW-2 Dr. P.K. Soni, Orthopedics Surgeon, has stated that the claimant remained admitted from 09.02.1996 to 24.03.1996. This witness has further stated that the claimant-appellant was operated upon for the

compound fracture of the right leg and skin grafting was done and thereafter, external fixator was applied. He has also deposed that claimant was kept on regular antiseptic dressing after his discharge. Learned counsel has also submitted that no amount in respect of special diet, transportation has been granted. It is further submitted that loss of future income has not been considered and no amount in respect of attendant charges during the period of hospitalization and thereafter, has been allowed.

On the other hand, learned State Counsel has opposed the prayer for enhancement of compensation.

After hearing the rival contentions of the parties, the claimant has made out a case for enhancement.

The appellant remained admitted about 45 days in the hospital. The trial Court should have allowed some amount in respect of special diet and attendant charges during the period of hospitalization and thereafter. Hence, a sum of Rs.15,000/- in that respect is allowed. Another sum of Rs.15,000/- is allowed in respect of loss of income during the period of hospitalization and thereafter and a sum of Rs.30,000/- is allowed in respect of permanent disability in view of ***“Piara Singh and others Vs. Satpal Kumar and others”*** 2006(4) RCR (Civil) 546.

In this manner, the amount calculated comes to Rs.92,500 in all i.e., Rs.32,500 in respect of medical expenses, Rs.30,000/-, in respect of permanent disability, Rs.15,000/- in

respect of special diet and Rs.15,000/- in respect of loss of income during the period of hospitalization and thereafter. The enhanced amount of Rs.35,000/- shall carry interest @ 7% p.a. from the date of filing of the petition till realization.

Disposed of, accordingly.

A copy of this order be sent to learned Tribunal.

11.03.2015

yakub

(K.C. PURI)
JUDGE