

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

FAO No.436 of 1999 (O&M)

Date of decision:28.10.2015

Shri Bhagwan

... Appellant

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Bhupinder Malik, Advocate,
for Mr. R.K. Malik, Senior Advocate,
for the appellant.

Mr. Sourabh Mohunta, DAG, Haryana.

K.Kannan, J. (Oral)

1. The appeal is for enhancement of claim for compensation for injuries sustained in a motor accident. He had been hospitalized for a fracture of the leg first at the hospital at Jind on 03.11.1995 to 27.11.1995 and from 27.11.1995 to 04.03.1996 at the hospital at Gohana. The disability was assessed at 28% and the court had provided for ₹ 25,000/- towards loss of amenities arising out of the disability and added another ₹5,000/- under several heads to make for ₹30,000/- as a compensation payable.

2. The petitioner's contention is that he was drawing ₹4,000/- as salary and during the period of hospitalization and his inability to attend, he had lost salary for all the 4 months. Although

medical expenses had been incurred, he could not produce the same and the court must have taken a reasonable estimate of the same. It is also the contention that prolonged treatment and hospitalization ought to have also required a compensation for attendant charges, special diet and transportation.

3. He was a government employee and he should have known that he is normally entitled to reimbursement of all the medical expenses. If the petitioner cannot file any of the medical bills and gives no evidence as to why he could not produce them, I make an inference that he has made use of the bills for claiming reimbursement and assess the other heads as under.

4. I will provide for component of pain and suffering for a fracture at ₹7,500/- and include the other heads to aggregate to ₹59,500/-. The various heads of claims are tabulated as under:-

Date of accident:			
Age:			
Period of hospitalization: 03.11.1995 to 27.11.1995 at Jind and at Gohana from 27.11.1995 to 04.03.1996			
Occupation & income : ₹ 4,000			
	Heads of Claim	Tribunal	High Court
Sr. No.		Amount ₹	Amount ₹
1.	Loss of income from to		16,000
2.	Medical expenses:		
i)	Medicines		
ii)	Hospital charges		
iii)	Attendant charges		5,000
iv)	Special diet		5,000
v)	Transportation		1,000
3.	Pain & suffering		7,500
4.	Disability	28%	
5.	Loss of earning power in percentage		

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i)	Income		
ii)	Multiplier		
iii)	loss of earning capacity		
6.	Loss of amenities	25,000	25,000
7.	Reduction in life expectancy		
8.	Loss of prospect of marriage		
	Total	30,000	59,500

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

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

(K.KANNAN)
JUDGE

28.10.2015
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