

In the High Court of Punjab and Haryana at Chandigarh

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F.A.O. No.386 of 2007 (O&M)

.....

Date of decision:5.8.2015

Sital Singh alias Sheetal Singh

.....Appellant

v.

State of Punjab and others

.....Respondents

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Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Satinder Khanna, Advocate for the appellant.

Mr. N.K. Verma, Senior Deputy Advocate General, Punjab for
respondents No.1 and 2.

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Inderjit Singh, J.

This appeal has been filed by Sital Singh alias Sheetal Singh -appellant/claimant against State of Punjab, Punjab Roadways, Ferozepur Depot, Gurnek Singh-driver/respondents for enhancement of compensation from ₹2,35,000/- along with interest @7.5% per annum from the date of filing of petition till realization awarded by the Motor Accident Claims Tribunal, Ludhiana, vide award dated 27.7.2006.

The brief facts of the case are that on 4.7.2002, he along with other residents of Jagraon started for Dera Baba Bhadbhag Singh on Tata-407 bearing registration No.PB-10S-9730, which was being driven by him on the left side of the road from Jagraon to Ludhiana. It was 2.40 p.m., they

reached opposite Sartaj Palace, Near Sacred Heart Convent School on Ferozepur Road, Jagraon, a bus bearing registration No.PB-12C-9350 (hereinafter referred to as 'the offending bus') came from the opposite side which was being driven rashly and negligently by its driver Gurnek Singh and struck against the above said Tata 407 by coming on the wrong side of the road. Consequently, all the occupants of Tata 407 including him received injuries. He was taken to C.M.C. Hospital, Ludhiana and was admitted there. He received multiples and grievous injuries, fracture of both legs and he had spent a sum of ₹3,00,000/- on his treatment and is still getting treatment and is incurring expenditure. FIR was also registered against Gurnek Singh, driver of the bus at Police Station Jagraon.

The respondents put in appearance before the Tribunal and contested the claim petition filed by the claimant. After framing the issues and the parties led their evidence, the Tribunal awarded compensation of ₹2,35,000/- to the claimant for the injuries suffered by him including an amount of ₹1,10,000/- which has been spent by him on the medical treatment. ₹1,05,000/- has been awarded towards loss of income during the period of treatment and in future due to disability; ₹10,000/- for pain and suffering; ₹5,000/- for special diet, ₹4,000/- towards transportation charges and ₹1,000/- towards expenses on attendant. Aggrieved against this award, the present appeal has been filed by the claimant.

Notice of motion has been issued in this case and respondents No.1 and 2 were represented by Mr. N.K. Vema, learned Senior Deputy Advocate General, Punjab and contested this appeal. Respondent No.3-

Gurnek Singh-driver of the offending had died during the pendency of proceedings before the Tribunal.

After hearing learned counsel for the appellant and the learned State counsel, I find that the claimant had led evidence regarding the medical treatment and the period he remained admitted in the hospital etc. As per the evidence the claimant suffered multiple injuries including fracture of both legs. He remained admitted in CMC Hospital, Ludhiana. He was admitted in the hospital on 4.7.2002 and discharged on 19.7.2002. As per record, the claimant was operated four times. He also went to the hospital for follow-up treatment and lastly he attended hospital on 25.10.2012. He also proved the medical bills. As per disability certificate, the claimant suffered 51.6% disability. Sital Singh alias Sheetal Singh-claimant was the driver of Tata-407.

Keeping in view the facts and circumstances of the present case, I find that the compensation awarded by the Tribunal is not adequate. No specific compensation has been awarded for the permanent disability of 51.6%. Therefore, the compensation on the grounds of attendant charges, transportation charges, special diet, pain and suffering are less. As the claimant suffered 51.6% permanent disability, so the disability is taken as 50% i.e. ₹2,500/- per month and ₹30,000/- per annum by applying the multiplier of 17 as per the age of the claimant i.e. 28 years, the compensation on this ground comes to ₹5,10,000/-.

Therefore, from the above, I find that the claimant/appellant is entitled to the compensation as under:-

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(1)	Expenses on treatment as per bills	:₹1,10,000/-
(2)	Loss of income during the period he remained under hospitalization and under treatment	:₹ 25,000/-
(3)	Pain and suffering	:₹ 25,000/-
(4)	Special diet	:₹ 10,000/-
(5)	Transportation charges	:₹ 20,000/-
(6)	Attendant charges	:₹ 20,000/-
(7)	Permanent disability	<u>:₹5,10,000/-</u>
	Total compensation	<u>:₹7,20,000/-</u>

Hence, the claimant is entitled to compensation of ₹7,20,000/- for permanent disability. The appellant is also entitled to interest as awarded by the Tribunal on the enhanced amount also from the date of the claim petition till actual payment. The Insurance Company is directed to pay the enhanced amount of compensation to the appellant accordingly.

The appeal is disposed of accordingly.

August 5, 2015.

(Inderjit Singh)
Judge

hsp