

In the High Court of Punjab and Haryana at Chandigarh

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F.A.O. No.2953 of 2006 (O&M)

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Date of decision:1.7.2015

Parmod Sehgal

.....Appellant

v.

Hawa Singh and others

.....Respondents

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Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Saurabh Bajaj, Advocate for the appellant.

Mr. D.R. Bansal, Advocate for respondent No.3-Insurance
Company.

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Inderjit Singh, J.

This appeal has been filed by claimant-Parmod Sehgal for enhancement of the compensation against Hawa Singh-Driver and Smt. Neha Gupta-owner of the offending car No.HR-31D-0009 and The National Insurance Company Ltd.-Insurer of the offending vehicle aggrieved against the award dated 21.10.2005 passed by Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal'), vide which the award for compensation of ₹47,000/- along with interest @6% per annum from the date of claim petition till actual payment and counsel fee, which was assessed at ₹550/-, has been passed.

The brief facts of the case are that on 9.7.2004, the claimant-petitioner (appellant herein) suffered injuries in a motor vehicle accident arising from the offending car bearing registration No.HR-31D-0009 driven

rashly and negligently by Hawa Singh-driver, which hit his scooty. The claimant was shifted to General Hospital, Karnal and on the next day to Dr. K.C. Sachdeva's Nursing Home, Karnal. Due to the accident, the petitioner received multiple injuries on his person. FIR was registered against Hawa Singh and compensation amount of ₹10 Lacs had been claimed by claimant Parmod Sehgal.

The claimant examined himself as PW-4 and also examined Dr. K.C. Sachdeva as PW-1, Manoj Kumar, Additional Ahlmad as PW-2, Dr. Vinod Kumar as PW-3 and Dr. Rakesh Girdhar as PW-5.

On the other hand the respondents examined Yamuna Dutt Pandey, licensing Clerk as RW-2 and the Insurance Company tendered into evidence copy of insurance policy.

Shri D.R. Bansal, learned counsel has appeared on behalf of the Insurance Company and contested this appeal.

I have heard learned counsel for the parties and have gone through the record.

As per the evidence on record, which has been duly discussed in the award, the injured was 52 years of age and it is deposed by PW-1 that he had sustained commuted fracture of neck of right femur. He was operated upon on 11.7.2004 and DHS of right hip was done. He further deposed that the patient was discharged on 16.7.2004 and he received ₹6,550/- plus ₹800/- for anaesthesia. He further deposed that the patient was again admitted in his hospital on 17.2.2005 due to continuous pain on his right hip. DHS plate was removed on 17.2.2005 and the patient was

[3]

discharged on 20.2.2005. He had charged ₹7,100/- as hospital charges including the fee of Anaesthetist. The bills of ₹14,123/- for purchase of medicines by the petitioner were also produced. The Tribunal granted ₹30,000/- for the treatment and for purchase of medicines, ₹5,000/- for pain and suffering, ₹10,000/- for permanent disability of 8% suffered by the claimant. Further, on the ground of special diet ₹2,000/- has been awarded. No amount has been awarded regarding transportation charges. No amount has been granted for attendant charges. No amount has been awarded by the Tribunal regarding the loss of income during the period the claimant could not attend to his daily pursuits. The expenses awarded regarding permanent disability, pain and suffering and for medical expenses are also less.

Therefore, keeping in view the evidence on record, the amount on the basis of permanent disability is increased from ₹10,000/- to ₹16,000/-, for pain and suffering from ₹10,000/- to ₹15,000/-, for special diet from ₹2,000/- to ₹5,000/-. Further, I grant transportation charges of ₹4,000/-, attendant charges ₹5,000/-, loss of income during the period he had not worked ₹10,000/- and ₹30,000/- for treatment and medical expenses and total comes to ₹85,000/-.

As the liability of the Insurance Company is admitted, it is directed to pay the enhanced amount along with the interest from the date of the claim petition till actual payment at the rate, the Tribunal has awarded.

The appeal is disposed of accordingly.

July 1, 2015.

(Inderjit Singh)
Judge

hsp