

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

**FAO NO. 4087 OF 2011 (O&M)
DECIDED ON : 30.07.2015**

Gurmail Singh

...Appellant

versus

Gurvinder Singh and others

...Respondents

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

Present : Mr. Mohit Garg, Advocate,
for the appellant.

Mr. Arun Sharma, Advocate for
Mr. Gurpreet Singh, Advocate,
for respondents No.1 and 2.

Mr. Deepak Suri, Advocate,
for respondent No.3.

K. C. PURI, J. (ORAL)

This is an appeal for enhancement of compensation against the Award dated 30.11.2010 passed by Shri Kamaljit Lamba, Motor Accident Claims Tribunal, Sangrur, vide which the claim petition preferred by the claimant was partly accepted and a sum of ₹7000/- was allowed as compensation on account of injuries suffered by him in the motor vehicular accident which took place on 05.03.2007.

Learned counsel for the appellant has contended that the Tribunal has not rightly appreciated the evidence available on file and only a sum of ₹7000/- has been allowed as compensation to the claimant, observing that no medical evidence has been produced. However, the claimant has examined PW-3 Dr.Hari Om Aggarwal, Civil Hospital, Sunam, who has proved on record the bed head ticket of the claimant as Ex.CW3/A. He has further stated that the patient was referred to Rajindra Hospital, Patiala from CHC-Bhawanigarh. He further deposed that claimant was discharged on 16.03.2007 and was advised follow up in the OPD. It is further submitted that in the bed head ticket Ex.CW3/A, it is mentioned that as per the x-ray there was fracture of both legs and I/L nailing was done. So, it is contended that the amount of ₹7000/- in these circumstances is on lower side.

Learned counsel for the respondent-Insurance company has submitted that except nailing, there is no medical evidence. So, the amount has rightly been allowed by the Tribunal.

I have considered the submissions made by both the sides and have gone through the records of the case.

As per reference slip issued by CHC Bhawanigarh, there was fracture of both the legs and the patient was referred to Orthopedic department, Rajindra Hospital, Patiala. According to Rajindra Hospital authorities, x-ray was done and fracture in both legs was found and I/L nailing was done. In these

circumstances, a sum of ₹7000/- is highly on lower side.

In view of the above, I deem it a fit case to enhance the amount and as such, a sum of ₹50,000/- more stands allowed in addition to the amount awarded by the Tribunal in respect of all the heads including the fractures. The enhanced amount shall carry interest @ 7.5% per annum from the date of application till its realisation.

Disposed of.

JULY 30, 2015
shalini

(K. C. PURI)
JUDGE