

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2283 of 2012 (O&M)

Date of Decision.02.12.2015

Jagir Singh son of Sh. Nihaala

.....Appellant

Vs.

Joga @ Laddi and others

.....Respondents

2. FAO No.2284 of 2012 (O&M)

Raj Pal

.....Appellant

Vs.

Joga @ Laddi and others

.....Respondents

Present: Mr. Rakesh Nagpal, Advocate
for the appellant.

Ms. Surinder Kaur, Advocate for
Mr. Vishal Goel, Advocate
for respondent no.3.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. Both the appeals are connected as arising out of the same accident. The appeal in FAO No.2283 of 2012 is for enhancement of compensation for injuries suffered by the claimant in the motor accident that took place on 13.04.2010. The accident resulted in fracture of the femur. He had been admitted in the hospital on 13.04.2010 and discharged on 25.04.2010. He was taking outdoor treatment also and the medical bills Ex.P15 to P20 had been produced to the tune of ₹45,637/-. The Tribunal has provided for the same. The doctor had assessed the disability at 21%. The Tribunal had provided for ₹50,000/-

towards loss of amenities for the disability caused and provided ₹20,000/- towards pain and suffering for the fracture that he had at the femur and provided for ₹20,000/- for attendant charges and transportation. The Tribunal had provided a total compensation of ₹1,35,637/-.

2. Learned counsel for the appellants says that the compensation must be provided for future pain and suffering and for loss of income. The only modification that is possible would be to provide for loss of income during the period of his hospitalization and the treatment as an outdoor patient for which I will make an assessment of ₹5,000/-. All other heads of claim are addressed appropriately and there is nothing for making an intervention with regard to the same.

3. The award passed by the Tribunal stands modified to a marginal extent and the liability shall be on the insurance company in the same manner as determined already by the Tribunal. The enhanced amount of ₹5000/- shall also bear interest @9% from the date of petition till the date of payment. The appeal in FAO No.2283 of 2012 is allowed to the above extent.

4. The appeal in FAO No.2284 of 2012 is for head injury suffered by the claimant that required a hospitalization for a period of 22 days. The doctor who treated him gave evidence of the treatment charges apart from the nature of injury. The Tribunal provided for ₹15,635/- for medicines and ₹10,000/- for special diet, attendant charges and transportation and ₹5,000/- for pain and suffering. Since the injury relates to a vital part of the body, the aspect of pain ought to have been more and I will, therefore, allow for additional amount of

₹5,000/- for the same and will also provide another sum of ₹5,000/- towards loss of income during the period of treatment and the convalescence.

5. The award already passed stands modified to provide for an additional amount of ₹10,000/- with interest @9% from the date of petition till the date of payment. The liability shall be in the same manner as determined by the Tribunal.

6. The appeal in FAO No.2284 of 2012 is allowed to the above extent.

**(K. KANNAN)
JUDGE**

December 02, 2015
Pankaj*