

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

FAO-1249-2013

Date of decision:15.12.2015

Ramanjeet Singh

...Appellant

Versus

Gagan Kamboj and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mrs.Savita Tanwar, Advocate for the appellant

Mr.Binni Thomas, Advocate
for respondent No.3- Insurance Co.

SNEH PRASHAR, J.

The present appeal has been filed by the claimant-appellant, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Kaithal, (for short 'the Tribunal') vide award dated 12.4.2012/17.9.2012, on account of the injuries suffered by him in a road side accident on 08.08.2010.

The submissions made by learned counsel for the parties have been considered.

Learned counsel for the appellant contends that due to the grievous injuries sustained by the appellant, he suffered 3% disability and on this count only a sum of Rs.6000/- has been awarded as compensation. No other amount except for the medical

bills amounting to Rs.95702/- has been allowed on account of pain and suffering, special diet and loss of income etc. Learned counsel referred to Ex.P22 the pan card and Ex.P23 the jamabandi and submitted that the appellant is an agriculturist and is an income tax payee and is doing the business of harvesting of crop with combine. Due to the injuries sustained by him, he firstly remained hospitalised and then had to take follow up treatment for a long time.

It is not a matter in issue that in a road side accident caused by respondent No.1 due to his rash and negligent driving, the appellant suffered grievous injuries. In the discharge summary Ex.P8 of the appellant, it is mentioned that he remained hospitalised from 8.8.2010 to 11.8.2010 on account of compound fracture of both bones leg right (grade1) middle third for which he had to undergo an operation. The injuries resulted in making him disabled to the extent of 3% as is proved by the disability certificate Ex.P1. Needless to say that the appellant must have suffered lot of pain and agony due to the injuries and that being a non -pecuniary loss, he is allowed a sum of Rs.25,000/- as compensation.

It can be assumed that the appellant may not have been able to attend to his normal duties for at least four months. In his deposition during trial, he stated that he is an agriculturist and is

earning Rs.30,000/- per month, however, he could not produce any substantive or reliable evidence in that context. Therefore, considering him as a casual labourer and assessing his income as Rs.4000/- per month, an amount of Rs.16,000/- is allowed to him under the head of loss of income. In addition to the same, the appellant is allowed a sum of Rs.15,000/- on account of special diet, transportation and attendant charges etc.

As regards expenditure on treatment, all the medical bills Ex.P10, P11, P15 to P21 for a sum of Rs.95702/- tendered in evidence by the appellant have already been allowed to him by the Tribunal. The amount of Rs.6000/- due to the disability i.e. 3% suffered by the appellant is adequate and calls for no intervention.

The enhanced compensation of Rs.56,000/- shall be paid to the appellant within a period of 45 days from the date of receipt of the certified copy of the judgment, failing which, the same shall carry interest @ 7.5% per annum from the date of the filing of the appeal till its realisation.

Resultantly, the present appeal is partly allowed and the impugned Award is modified to the above extent.

15.12.2015
gsv

(SNEH PRASHAR)
JUDGE