

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

FAO No.1795 of 2013 (O&M)

Date of decision:08.09.2015

Jaspreet Singh

... Appellant

versus

Amandeep Singla and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Monika Jalota, Advocate,
for the appellant.

Mr. Rajesh Bansal, Advocate,
for respondent No.3.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The appeal is for enhancement of compensation for injuries suffered in a motor accident that took place on 07.05.2011. He was aged 24 years of age and was said to have suffered a fracture of femur, patella and tibia. His right lower limb had been shortened by 1 ½ inch. The doctor assessed the disability at 40%. The Tribunal took the income at ₹3,554/-, applied for 40% loss of earning capacity and adopted a multiplier of 18, assessed ₹3,18,555/- as the loss of earning, it provided also loss of past income for 5 months following the injuries and convalescence. The

Tribunal provided for medicines in the manner claimed and also awarded ₹5,000/- towards attendant charges, ₹6,000/- for special diet and ₹20,000/- for transportation. The court also provided for ₹25,000/- for pain and suffering.

2. The counsel would argue that the future medical expenses have not been provided for. I asked the counsel for any proof that treatment in future was required and that there was evidence from the doctor that any expenses would be incurred therefor. The counsel is unable to help me with any details and I am afraid, I cannot provide for the same. The further argument is that there was documentary evidence produced that the petitioner had to incur expenses @₹2,500/- for taxi charges and he had spent ₹52,500/- towards transportation. The Tribunal found the claim to be excessive and provided for ₹20,000/- as transportation. I do not think it will be appropriate for me to make an intervention as regards transportation when the Tribunal has considered the evidence placed and found ₹20,000/- would be appropriate. He had 3 fractures and the surgery done. The court had taken ₹25,000/- as pain and suffering. I will marginally increase it considering the fact that the fractures had taken place in the weight bearing bones and he must have suffered acute pain even far from minimal movements. To standardize the manner of assessment of the compensation for various injuries, this court had provided a compensation of not less

than ₹7,500/- per fracture and if medical intervention was also done to provide for an additional amount of ₹5,000/-. Considering the nature of fracture and the pain that must have been suffered, I would increase to ₹40,000/-. A disability which is assessed at 40% does not merely cause a loss of earning capacity but also robs the person amenities in life. A young person to have stiff knee will impair as sense of well being at all times and I will think it appropriate to provide for another ₹40,000/- towards loss of amenities. All told, I will find that the total compensation will require to be modified to an additional sum of ₹55,000/- with interest at 9% from the date of petition till date of payment. The liability shall be on the Insurance Company.

3. The award stands modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

08.09.2015
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