

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

**FAO No.3431 of 2015 (O&M)
Date of Decision: May 14, 2015**

Shriram General Insurance Company Limited Appellant

vs.

Jagdish Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ashwani Talwar, Advocate for the appellant.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

The Insurance Company has filed the present appeal against the Award dated 08.01.2015 passed by the Motor Accident Claims Tribunal, Patiala (in short 'the Tribunal').

The dispute in the present appeal is regarding the compensation awarded by the Tribunal under the following heads:

- | | | |
|----|---|-----------|
| 1. | Loss of earning | ₹50,000/- |
| 2. | Conveyance charges | ₹20,000/- |
| 3. | Special diet | ₹20,000/- |
| 4. | Attendance charges | ₹20,000/- |
| 5. | Loss of amenities | ₹20,000/- |
| 6. | Damages on account of loss of expectation of life | ₹20,000/- |
| 7. | Incontinence hardship, discomfort etc. | ₹20,000/- |

I have heard learned counsel for the appellant and have also carefully gone through the case file.

A perusal of the Award shows that after the accident, Jagdish Singh-claimant (respondent No.1 herein) suffered multiple injuries on his face, left leg, left knee joint, injury near the left eye, head injury including fracture of left ankle. He became unconscious at the spot. He was removed to Alchemist Hospital, Sector 21, Panchkula on 07.10.2011, where multiple operations for external fixator and inserting plates were conducted on the fractured bones. He was discharged on 02.11.2011. But due to starting of infection in the knee joint of the claimant, he was admitted at Agarsain Hospital, Patiala on 25.11.2011, where again operation was conducted for removal of the plates and thereafter one more operation for inserting nails in the ankle joint was conducted. According to the claimant, he is still under OPD treatment and confined to bed. Though in this case, no disability certificate was produced but three operations were done, which show that there were serious injuries and he has gone time and again to the hospital for operations and as out door patient.

Therefore, I am of the view that the compensation awarded under the heads of loss of earning, conveyance charges, special diet, attendant charges, loss of amenities, damages on account of loss of expectation of life and incontinence hardship, discomfort etc. cannot be called excessive.

It being so, I do not find any merit in the present appeal
and the same is accordingly dismissed.

May 14, 2015
sarita

(KULDIP SINGH)
JUDGE