

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

FAO No. 8280 of 2014 (O&M)

Date of decision: October 15, 2015

Abdul Juber @ Juber Khan and another

...Appellants

Versus

Lokesh and others

...Respondents

**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?**

Present: Mr. Ashish Gupta, Advocate,  
for the appellants.

**K. KANNAN, J. (Oral)**

CM No.22437 CII of 2014

For the reasons stated in the application, the delay of 17 days in filing the appeal is condoned.

FAO No. 8280 of 2014

1. The appeal is for enhancement of compensation for the injuries suffered by the appellants. Appellant No.1 suffered injuries resulting in fracture of knee and hip that was assessed as 12.5% disability. The doctor had stated that he had post traumatic mild painful restriction of movements at the left knee and left hip. The Tribunal assessed compensation at Rs. 25,000/- for the disability which I will assume as for loss of amenities for a person who is a student and I find no error in the same. The Tribunal also provided Rs. 30,000/- for medical expenses and provided Rs. 15,000/- for

pain and suffering. It also provided for Rs. 10,000/- for diet and transportation. The counsel argues that the appellant was not married and the Tribunal did not appropriately notice the loss of earning that could have been caused on account of disability. A fracture that caused restriction in the movement ought to give way over a period of time and if the Tribunal was assessing Rs. 25,000/- for the disability, I will find the Tribunal has done what was appropriate. Unless there was any specific evidence brought on record that nature of disability was such that it would impact his earning skill in his life, there is no scope for assessing any amount for loss of earning capacity. I find that each head of claim that is relevant for assessing the damages for the injuries has been properly addressed.

2. I find no scope for interference.

3. This appeal also seeks to canvass for the correctness of compensation of yet another person, namely, Sahid appellant No.2, who was injured. The Tribunal ought to know better that it will not allow a single petition to be filed for two different persons having independent claims for compensation. I have examined the assessment made of the same for it was a case of the other appellant suffering a fracture for which the Tribunal assessed Rs. 15,000/- for pain and suffering and Rs. 5,000/- for diet and transportation. There was no disability shown before the court. The Tribunal restricted the claim only to Rs. 20,000/-. This also does not require any interference.

4. The appeal is dismissed.

**October 15, 2015**  
prem

**(K.KANNAN)**  
**JUDGE**