

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 5322 of 2002  
Date of Decision : 21.10.2016

Yash Pal  
....Appellant

Versus

Ishwar and others  
....Respondents

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Ms. Monika Arora, Advocate  
For Mr. Pritam Saini, Advocate  
for the appellant.

Mr. D.P. Gupta, Advocate  
for respondent no. 3.

**Surinder Gupta, J.**

This is appeal by Yash Pal, minor son of Amar Singh through his father seeking enhancement of compensation awarded to him for injuries suffered by him in accident on 14.04.1997 with TATA-407 bearing registration no. HP-06-GA-0190 (later referred to as ‘the offending vehicle’).

2. The Tribunal allowed compensation of ₹45,000/- to claimant, which was computed as follows:-

| <i><b>Sr.No.</b></i> | <i><b>Heads</b></i> | <i><b>Calculation</b></i> |
|----------------------|---------------------|---------------------------|
| (i)                  | Medical expenses    | ₹9000                     |
| (ii)                 | Pain and suffering  | ₹15000                    |
| (iii)                | Special diet        | ₹6000                     |
| (iv)                 | Loss of eye-sight   | ₹15000                    |
| <i><b>Total</b></i>  |                     | <b>₹45000</b>             |

3. Learned counsel for the appellant has argued that claimant was

15 years of age at the time of accident and was studying in 8<sup>th</sup> class. He remained admitted in hospital from the date of accident till 20.04.1997. Thereafter, he was getting his treatment for the eye-injury from Sanjivani Nursing Home. The Tribunal has not allowed any compensation towards attendant charges, transportation, hospital expenses and loss of studies.

4. Learned counsel for respondent no. 3-Insurance Company has argued that the accident took place in the year 1997 and compensation allowed is just and reasonable keeping in view the price index prevailing at that time. The Tribunal has allowed compensation under all the conventional heads. Amount of compensation allowed for pain and suffering include compensation for attendant charges, transportation charges and loss of studies etc.

5. On perusal of award, I find that the Tribunal has prescribed heads under which compensation was allowed but the conventional heads like expenses on attendant, transportation, hospital expenses and loss of studies nowhere find mention in the award. Claimant was a young boy aged 15 years and required services of attendant during his hospitalization and also for his treatment thereafter. He also required nutritious diet during the period of his hospitalization and treatment. Father of claimant had spent on his transportation as well while taking him to hospital and for medical care. The Tribunal has taken note of the fact that he was getting treatment for his eye-sight and eye injury. Injuries suffered by claimant and his hospitalization have also resulted in loss of his studies.

6. On all the above heads, claimant is allowed compensation of ₹4000/- towards expenses on attendant, ₹2000/- towards transportation expenses, ₹2000/- towards hospital expenses and ₹3000/- for loss of studies.

7. In view of above, the amount of compensation to which claimant is entitled, is reassessed as follows:-

| <i>Sr. No.</i> | <i>Heads</i>                                   | <i>Calculation</i> |
|----------------|------------------------------------------------|--------------------|
| (i)            | Medical expenses as assessed by the Tribunal   | ₹9000              |
| (ii)           | Pain and suffering as assessed by the Tribunal | ₹15000             |
| (iii)          | Special diet as assessed by the Tribunal       | ₹6000              |
| (iv)           | Loss of eye-sight as assessed by the Tribunal  | ₹15000             |
| (v)            | Compensation for attendant charges             | ₹4000              |
| (vi)           | Compensation for transportation charges        | ₹2000              |
| (vii)          | Compensation for hospital expenses             | ₹2000              |
| (viii)         | Compensation for loss of studies               | ₹3000              |
| <i>Total</i>   |                                                | <b>₹56000</b>      |

8. As a sequel of my discussion above, the appeal is allowed. Award of the Tribunal is modified and compensation allowed to claimant- Yash Pal for the injuries received by him is enhanced from ₹45,000/- to ₹56,000/-. The amount of compensation will carry interest @ 7.5% per annum from the date of filing of claim petition till actual realization.

October 21, 2016  
jk

( SURINDER GUPTA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*