

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.4854 of 2002 (O&M)
Date of decision: August 31, 2016

Ram Singh ... Appellant

Versus

Beeran Nath and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Sandhu, Advocate for the appellant.
Mr. Gopal Mittal, Advocate for respondent Insurance Co.

Rajan Gupta, J.

Claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like special diet, attendant, loss of income etc. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads.

Respondents No.1 and 2 remain unrepresented.

Learned counsel for the respondent No.3 insurance company submits that adequate compensation has been awarded for the injuries suffered by the appellant. He, however, submits that insurance company has already been absolved by the tribunal.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 8.11.1998, in which appellant suffered injuries. Admittedly, accident was result of rash and negligent driving of the offending truck being driven by respondent No.1. As a result of said accident, claimant got treatment from Rajindra Hospital, Patiala. The tribunal assessed a sum of Rs.38,821/- towards medical expenses on the basis of bills, Rs.3,000/- on account of attendant and conveyance charges, Rs.2000/- for special diet and Rs.1000/- as loss of income during the period of hospitalization and treatment. A total compensation of Rs.44,821/- has been granted to the appellant. In my considered view, compensation granted on account of expenses on special diet, attendant and conveyance are on the lower side. Therefore, the appellant would be entitled to another sum of Rs.7000/- for special diet and Rs.5000/- more towards attendant and conveyance charges payable by respondents No.1 and 2 jointly and severally. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

(RAJAN GUPTA)
JUDGE

August 31, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No