

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.708 of 1991
Date of Decision.15.03.2016

SirajuddinAppellant

Vs.

Rambir etc.Respondents

2. FAO No.709 of 1991

MehboobAppellant

Vs.

Rambir etc.Respondents

3. FAO No.710 of 1991

FakruddinAppellant

Vs.

Rambir etc.Respondents

Present: Mr. S.K.Vij, Advocate
for the appellant.

Mr. B.S. Tewatia, Advocate
for respondent No.1.

Mr. S.S. Sidhu, Advocate
for insurance company.

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?

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K. KANNAN J. (ORAL)

1. All the appeals are at the instance of the claimants seeking
for enhancement of compensation for injuries suffered in the motor
accident.

2. One of the claimants Mehboob whose claim for enhancement is subject of appeal in FAO No.709 of 1991, was aged 18 years, had two months of hospitalization and was said to have fracture of shaft of tibia and fibula of left leg and the fractures resulted in shortening of limb by ½ inch. The Tribunal assessed the disability at 5%. With no evidence available with reference to the medical expenses incurred, the Tribunal had taken notice of two months of hospitalization and provided the compensation at ₹30,000/-. Considering the fact that the accident had taken place in the year 1991 if I would factor a component of pain and suffering for each fracture at ₹5,000/- for fracture of the shaft of tibia and fibula, I will provide for ₹10,000/-. I would also make an assessment for the loss of amenities to life by shortening of limb which was occasioned of another ₹15,000/-. I will make provision for another ₹5000/- for medical expenses for hospitalization. The total amount will be ₹30,000/- which is the amount as assessed by the Tribunal. I will find no cause for interference.

3. As regards the claim for compensation for Sirajuddin which is subject of challenge in FAO No.708 of 1991, he was also 18 years of age and he had fracture of both femurs and there was also shortening of limb by about ½ inch. The disability was assessed at 15%. for fracture of both femurs, I will provide for ₹5,000/- for pain an suffering and I will also make a provision of ₹15,000/- for the disability caused and another ₹5000/- for medical expenses. The total compensation will be ₹25,000/- which has been already assessed by the Tribunal. Therefore, there is no scope for enhancement.

4. With reference to claim for compensation for Fakruddin

which is subject of challenge in FAO No.710 of 1991, he was hospitalized for a period of 25 days for fracture of both bones of both legs which resulted in 15% disability. The Tribunal has assessed a compensation of ₹35,000/-. I will apply the same scales as adopted in the above cases and hold that the amount of ₹35,000/- as assessed by the Tribunal would accord to the nature of injuries suffered.

5. There is no scope for enhancement. The awards passed by the Tribunal are maintained and all the appeals are dismissed.

(K. KANNAN)
JUDGE

March 15, 2016
Pankaj*