

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

FAO-2150-1996

Date of Decision:-28.04.2016

STATE OF HARYANA

....Appellant(s)

vs.

OM PARKASH & ORS

....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE K. KANNAN

Present:- Mr. Sidharth Sanwaria, DAG, Haryana,
for the appellant.

Mr. Ramender Chauhan, Advocate,
for respondent No.1.

- 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 ?**

K. KANNAN, J. (ORAL)

The appeal is against the adequacy of compensation assessed by the Tribunal for injuries suffered in a motor accident. The facts of the case are that Om Parkash-respondent No.1 was taken to General Hospital, Bhiwani from where he was referred to Medical College, Rohtak. He was admitted on 31.8.1994 and discharged on 20.9.1994. He had a fracture of the shaft of femur and it was reduced by a surgical intervention with K-nailing. The Court awarded ₹ 1,50,000/- for fracture, temporary disability and loss of income, ₹50,000/- towards pain and suffering and ₹ 50,000/- towards treatment expenses. The assessment is wholly arbitrary. The

Tribunal has not discussed the actual expenses incurred. It has not even attempted to elicit the period of temporary disablement that could have resulted in loss of income. I revise the compensation as under:-

For 4 fractures of the leg, at ₹ 7500/- per fracture and ₹ 5000 for surgery towards the component of pain and suffering aggregating ₹ 35,000/-, for a month long treatment I am prepared to assume even in the absence of documentary evidence that he had spent ₹ 25,000/- and make a provision for attendant charges and transportation to a further amount of ₹ 5000/- each. I am prepared to assume that he would have lost his income for not less than four months period during the period of hospitalization and convalescence. I will take the average income as ₹ 3000 for four months and take ₹ 12000 as the loss of income, for the loss of amenities for the temporary disability which was said to have been caused, I make a provision for another ₹ 15000/-. In all, the total compensation would be ₹ 97,000/-. The award is modified and the appeal filed by the State is allowed to the above extent. The interest shall be same as already awarded by the Tribunal.

April 28, 2016
poonam

(K. KANNAN)
JUDGE