

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

FAO-1333-1999 (O&M)

Date of decision: 02.05.2016

RAJESH GANDHI

..Appellant

Versus

M/S AJIT CONSTRUCTION COMPANY

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Virender, Advocate for
Mr. Vineet Rathore, Advocate
for the appellant.

Mr. Abhishek Goyal, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent No3.

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JITENDRA CHAUHAN, J.

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Karnal, ('the Tribunal', for brevity) vide award dated 03.02.1999.

The learned counsel for the appellant states that the appellant sustained multiple grievous injuries including lacerated injury on right lower leg and fracture of fibula bone. The appellant remained

hospitalized for about 27 days and bed ridden for a period of three months. Lastly, the learned counsel submits that the appellant sustained permanent disability to the extent of 25%.

On the other hand, the learned counsel for respondent No.3 states that a just and reasonable compensation has been awarded by the learned Tribunal. However, he has not been able controvert the assertions raised by the learned counsel for the appellant.

I have heard the learned counsel for the parties and perused the entire record.

The treating doctor, namely, Dr. K. L. Sachdeva has stated that the appellant suffered lacerated injury on right lower leg and fracture of fibula bone and remained hospitalized from 04.05.1997 to 12.06.1997. Further, he deposed that the appellant remained admitted in his hospital for skin grafting of the wound for about one week. Thus, it is proved that the appellant remained hospitalised and had to undergo pain and suffering during the post treatment period as well, therefore, this Court feels that another sum of Rs.15,000/-, towards 'pain and suffering', would meet the ends of justice. It is ordered accordingly.

In view of the above, the injured-appellant is held entitled to the enhanced compensation of Rs.15,000/- towards 'pain and suffering' payable to the injured-appellant, as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a

certified copy of this judgment, failing which, he shall also be entitled to interest as indicated in the award i.e. 7.5% per annum, from the date of filing the present appeal, till its realization.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

02.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**