

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.2678 of 1999 (O&M)

Date of decision: 06.12.2016

Renu Gupta

.....Appellant

versus

Union of India

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Vivek Suri, Advocate for the appellant
Mr.Karminder Singh, Advocate for the respondent

- 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?*

Kuldeep Singh, J. (Oral)

On 26.11.1998, the applicant/ appellant along with her husband, son and brother etc. was travelling in Golden Temple Mail Train from New Delhi to Amritsar in 2nd Class Sleeper. The train collided with Sealdah Express Train at Khanna. The appellant suffered injuries and was removed to CMC Ludhiana and discharged on 5.12.1998. She was also operated upon and thereafter, remained under treatment at Amritsar also. The Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') awarded compensation of Rs.40,000/- on the ground that the injury is classified as non-scheduled injury in Schedule III attached to the Railway Accidents and Untoward Incident (Compensation) Rules, 1990. The appellant is not satisfied with the said award and seeks enhancement of the compensation.

I have heard learned counsel for the parties and have also carefully gone through the file.

The evidence produced before the Tribunal shows that the appellant had suffered fracture of right scapula and ribs on the right side, indicating that more than one rib was involved. She remained admitted in CMC Hospital, Ludhiana from 26.11.1998 to 5.12.1998 and even thereafter, remained under treatment. In this way, there is admission of about 10 days in CMC Ludhiana and appellant required outdoor treatment also after her discharge from the hospital. For the non-scheduled injury, the prescribed maximum compensation is Rs.80,000/-.

Keeping in view nature of injury, compensation of Rs.40,000/- granted by the Tribunal is enhanced to Rs.60,000/-. The enhanced compensation of Rs.20,000/- shall carry interest @ 9% per annum from the date of filing of application i.e. 8.3.1999 till payment.

The appeal is allowed to the above noted extent.

06.12.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No