

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.2679 of 1999 (O&M)

Date of decision: 06.12.2016

Sunita Gupta

.....Appellant

versus

Union of India

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip 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?*

Kuldip Singh, J. (Oral)

On 26.11.1998, Sunita Gupta appellant/applicant along with her family members was travelling in Sealdah Express train ex-Jammu Tawi to Saharnpur. Near Khanna, the train collided with another train Frontier Mail, as a result of which, appellant received following two injuries, as per certificate issued by CMC, Ludhiana:-

- 1. Fracture of pubic rami (L)*
- 2. Fracture of Malleolus with lacerated wound*

The Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') found that injury of pubic rami (L) is scheduled injury, for which a fixed compensation of Rs.40,000/- was allowed. For fracture of Malleolus with lacerated wound, which was found to be non-scheduled injury, a compensation of Rs.20,000/- was allowed against a

maximum of Rs.80,000/-, permissible under the Rules.

Applicant has come up in appeal, claiming higher compensation.

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

It comes out that injury of pubic rami (L) is a scheduled injury for which a fixed compensation was allowed under the Railway Accidents and Untoward Incident (Compensation) Rules, 1990. Therefore, there is no scope of interference in the same. Regarding the injury of fracture of Malleolus with lacerated wound, it is non-scheduled injury and the maximum compensation as provided under the rules is Rs.80,000/-. Except the certificate of CMC Ludhiana, nothing was brought on record to show that injury was of gravest nature so far as attract maximum compensation of Rs.80,000/-.

However, keeping in view the fact that the appellant was admitted in CMC, Ludhiana, where she had to remain under treatment for a considerable long period and even thereafter, she is to remain under treatment as outdoor patient, the compensation for non-scheduled injury i.e. fracture of Malleolus with lacerated wound is enhanced from Rs.20,000/- to Rs.40,000/-. The enhanced compensation of Rs.20,000/- shall carry interest @ 9% per annum from the date of filing of application i.e. 19.2.1999 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