

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO No.2680 of 1999 (O&M)  
Date of decision: 06.12.2016

**Ramesh Chander**

.....Appellant

versus

**Union of India**

.....Respondent

**CORAM: Hon'ble Mr.Justice Kuldeep Singh**

Present: Mr.Vivek Suri, Advocate for the appellant  
Mr.Vikas Chatrath, 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 his wife, daughter, nephew and sister-in-law was travelling in Golden Temple Mail Train from New Delhi to Amritsar in 2<sup>nd</sup> Class Sleeper. The train collided with Sealdah Express Train at Khanna. The applicant was removed to CMC Ludhiana on 26.11.1998 and was discharged on 28.11.1998. He suffered Maxillary fracture. He remained admitted in CMC, Ludhiana from 26.11.1998 to 28.11.1998 and again remained under treatment at Amritsar.

Facts are not disputed by the railway. The Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') while noticing that it was a case of Maxillary fracture injury, which is non-scheduled injury as classified in Schedule III attached to the Railway Accidents and Untoward Incident (Compensation) Rules, 1990, awarded

compensation of Rs.20,000/- against a maximum compensation of Rs.80,000/-, permissible under the said rules. The appellant is not satisfied with the said award and seeks enhancement of the same.

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

In this case, the applicant suffered Maxillary fracture, which is on the left side of Jaw. The appellant remained admitted in CMC Ludhiana for 3 days which shows seriousness of the injury. Even thereafter, he had to remain under treatment as outdoor patient.

Learned counsel for the appellant contends that due to injury in the Jaw, the appellant had to remain on fluid diet.

Keeping in view the nature of injury on the Jaw, which in most of the cases is also caused some disfigurement, the treatment of the appellant and the mental and physical pain, compensation of Rs.20,000/- granted in this case by the Tribunal is enhanced to Rs.60,000/-. The enhanced compensation of Rs.40,000/- 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:

Yes

Whether Reportable:

No