

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 3582 of 2001

Date of decision : March 03, 2016

Bhupinder Singh,

..... Appellant

v.

Mohan Lal and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Naveen Daryal, Advocate
for the appellant.

Mr. RN Singal, Advocate
for respondent No.3.

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 ?**

Ajay Tewari, J (Oral)

This appeal has been filed against the Award passed by the Tribunal whereby a sum of ₹ 40,000/- was granted to the appellant for the loss of his right thumb.

Brief facts are that on 8.9.1997, the injured-appellant was going to the Bank Colony Karnal from Sector 6, Karnal on his cycle and when he was crossing the road in between Sectors 6 and 13 on GT road, the offending truck, being driven by respondent No.1 rashly and negligently, dashed with the cycle, as a result of which the appellant received injuries,

and his right thumb had to be amputated. The Tribunal held respondent No.1 responsible for causing the accident. The Tribunal awarded a sum of ₹ 10,000/- towards medical expenses/special diets/misc. expenses, ₹ 15,000/- for pain and suffering, ₹ 10,000/- towards loss of efficiency and a sum of ₹ 5,000/- for loss of income.

Counsel for the appellant has argued that the Tribunal erred in awarding lesser compensation on all the above heads. The appellant remained admitted in the hospital for 1 month and 13 days and due to grievous injuries, his right thumb had to be amputated.

In my opinion, if the medical bills are of ₹ 6405/- and since it is shown that the appellant was hospitalized for more than one month, it would be appropriate to award a sum of ₹ 10,000/- more towards medical expenses. Ordered accordingly. As regards compensation for pain and suffering and loss of efficiency and income is concerned, it must be kept in mind that two of the signal factors which have made the developments of a human being possible was his ability to walk upright and the opposable thumb. In the circumstances, the loss of right thumb could render a person almost fully disabled (though with time it may have been possible for him to overcome that disability). However, to come to a conclusion regarding the award of compensation on these accounts, it would have been necessary to know what the appellant did for living. Since this is a burnt case which has been reconstructed, the evidence as well as the exhibited documents are not on record and, therefore, necessarily a rule of the thumb figure would have to be given. Keeping in view the facts and circumstances of the case, I deem it appropriate to increase the compensation on these heads by another sum of ₹ 20,000/-. The enhanced amount would carry rate of interest @

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8% pa from the date of application till the date of payment.

This appeal stands disposed of in the above terms.

March 03, 2016
`kk'

(AJAY TEWARI)
JUDGE