

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

FAO No.1944 of 2003.

Date of Decision: 17.05.2016.

Rajeshwar Kumar Verma

....Appellant.

VERSUS

Devender Singh and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Ms. Monika Arora, Advocate for
Mr. Pritam Saini, Advocate for the appellant.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate for respondent No.3.

Mr. Ashwani Gaur, Advocate for
Mr. Sandeep Kotla, Advocate for respondents No.4 to 6.

SNEH PRASHAR, J.

By way of this appeal, appellant Rajeshwar Kumar Verma seeks enhancement of compensation awarded by learned Motor Accident Claims Tribunal, Panipat (for short, “the Tribunal”) vide award dated 08.02.2003 passed in MACT Case No.92 of 2001, filed by him on account of injuries sustained in a vehicular accident on 19.07.1998.

The submissions made by Ms. Monika Arora, learned counsel for the appellant, Mr. Neeraj Khanna, learned counsel for respondent No.3- insurance company and Mr. Ashwani Gaur, learned counsel for respondents No.4 to 6 have been heard and record perused.

It was argued on behalf of the appellant that he suffered multiple injuries on the body including fracture of his both arms, ribs and jaw for which he was operated upon several times and about 20/25 units of blood was given to him. His entire jaw was broken and as he was not in a position to take solid diet for about three months, he was advised high protein liquid diet. He spent Rs.5,00,000/- lacs on his treatment. The learned Tribunal has not allowed the total expenses incurred on the treatment and the amount awarded for special diet, pain and suffering, transportation and attendant charges is on the lower side. Learned counsel further contended that due to the injuries suffered by the appellant, he remained confined to bed for a period of one year. He was earning Rs.5000/- per month, but learned Tribunal has not adequately compensated him on this count.

Indeed, appellant-Rajeshwar stepped into the witness box as PW6 and stated that his entire jaw was broken. He took treatment from Regency Hospital and 2-3 other doctors i.e. Dr. Gandhi Orthopedic, Dr. Taneja and Dr. Devinder Batra. For atleast three months he was unable to take solid food and had to remain on liquid diet only. He was advised special diet by the doctor on which he spent about Rs.100/150 per day and had to continue the same for atleast six months. For about one year he was unable to pursue his normal work. Medical bills are Ex.P2 to Ex.P49 and the prescriptions and test reports are Ex.P59 to Ex.P72. The total amount of the medical bills/receipts tendered in evidence showing expenditure on treatment and medicines etc. i.e. of Rs.3,00,503/- was allowed by learned

Tribunal. Accepting that he remained out of work for a period of one year during hospitalization and follow up treatment and taking his salary as Rs.3000/- per month, learned Tribunal allowed Rs.36,000/- to the appellant for loss of income. The said amount of Rs.3,00,503/- and Rs.36,000/- awarded is adequate and calls for no intervention.

An amount of Rs.25,000/- was allowed for the pain and suffering undergone by the appellant. The appellant suffered multiple injuries on his body including fracture of both arms, ribs and jaw. His entire jaw was broken. Keeping in view the nature of injuries suffered by the appellant, the amount of Rs.25,000/- awarded for pain and suffering is enhanced to Rs.50,000/-. It is established from the medical documents that the appellant took treatment from Regency Hospital and 2-3 other doctors. During that period even if he was being taken care of by his family members, he must have spent good amount on their transportation, boarding-lodging besides incurring expenditure on his own transportation. Considering the said facts, an amount of Rs.10,000/- is allowed for expenditure on transportation and attendant. For recovering from the injuries, the appellant required nutritious and special diet and on that count a further amount of Rs.15,000/- is allowed. In addition to the same, an amount of Rs.25,000/- is allowed for loss of enjoyment of amenities of life.

Accordingly, the appeal filed by the appellant-claimant is partly allowed and the award dated 08.02.2003 passed by learned Tribunal is modified. The enhanced compensation of Rs.75,000/- shall be paid to appellant-claimant within 45 days from the date of receipt of certified copy

of this judgment failing which the appellant-claimant shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing the appeal till realization.

(SNEH PRASHAR)
JUDGE

17.05.2016.
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