

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

FAO No. 448 of 2005 (O&M)
Date of Decision: March 31, 2016

Balram Singh Pathania

...Appellant

Versus

Davneet Singh alias Santokh Singh and others

...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Amit Dhawan, Advocate,
for the appellant.

Mr. MK Bhatnagar, Advocate, for
Mr. VK Sharma, Advocate,
for respondent No.1 and 2.

Mr. RK Bashamboo, Advocate,
for the insurance company—respondent No.3.

K. KANNAN, J. (Oral)

1. The appeal is for enhancement of claim of compensation that resulted in some head injuries and fracture of the femur. The fracture was reduced by open surgical interventions. He had suffered three spells of indoor treatment, lasting 21 days. The Tribunal provided for medical expenses incurred at ₹1,07,958/-, provided ₹18,000/- as attendant charges and rounded off the claim to ₹1,50,000/- that included the component of pain and suffering and the disability assessed at 15%.

2. I will add the claim which was not awarded, namely about Rs. 18,000/- @ ₹3,000/- for six months when he made have lost his income. I will provide for ₹5,000/- for special diet, ₹5,000/- for transporation,

₹25,000/- towards pain and suffering, taking the pain due to surgical intervention on three different occasions as entitling him to ₹5,000/- for each occasion and ₹1,000/- for pain due to fracture. I will also provide him ₹30,000/- for loss of amenities to life for the fracture caused and the disability suffered. All the heads of the claims are tabulated as under:-

<i>Injured Case</i>	<i>Balram Singh Pathania</i>	<i>Date of accident</i>	<i>26.8.2001</i>
<i>Age</i>			
Period of hospitalization	21 days		
Occupation & Income			
	Heads of claim	Tribunal	High Court
Sr. No.		Amount (₹)	Amount (₹)
1	Loss of Income for six months		18,000
2	Medical Expenses	1,07,958	1,07,958
	(i) Medicines		
	(ii) Hospital charges		
	(iii) Attendant charges	18,000	18,000
	(iv) Special Diet		5,000
	(v) Transportation		5,000
3	Pain and suffering		25,000
4	Disability (15%)		30,000
5	Loss of earning capacity		
	(i) Income		
	(ii) Multiplier		
(iii)	15% of loss of earning capacity		
6	Loss of amenities		
7	Reduction of life expectancy		
8	Loss of prospect of marriage		
	Total	1,50,000	2,08,958

3. The total compensation payable shall be ₹ 2,08,958/- and the amount in excess over what was awarded will also attract interest @7.5%

from the date of the petition till the date of payment.

4. The award is modified and the appeal is allowed to the above extent. The liability shall be in the manner already determined by the Tribunal.

March 31, 2016
prem

(K.KANNAN)
JUDGE