

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

FAO-1265-2007 (O&M)

Date of decision: 28.03.2016

Yogesh Chander

...Appellant

Versus

Tinku @ Mahesh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sushil Jain, Advocate,
for the appellant.

Mr. Hitesh K. Sammi, Advocate
for respondent No.1.

Mr. R. S. Singhal, Advocate
for respondent No.3.

-.-

JITENDRA CHAUHAN, J.

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Sonapat, ('the Tribunal', for brevity) vide award dated 01.11.2006.

It is contended that the appellant remained bed ridden for more than three months and suffered fracture and an iron rod was inserted in his right leg. The learned counsel for the appellant states that nothing has been paid towards pain and suffering, special diet, attendant and loss of income. Lastly, he submits that the appellant

remained hospitalised from 16.09.2003 to 04.10.2003.

The learned counsel for the respondents have not been able to controvert the submissions made by the learned counsel for the appellant.

I have heard the learned counsel for the parties and perused the record.

The appellant had remained hospitalised from 16.09.2003 to 04.10.2003, which is duly proved from the statement of PW3, Naveen Goyal, the treating doctor.

Considering the fact that the appellant had suffered fracture and had undergone the surgery, therefore, this Court feels that ends of justice would be sufficiently met by awarding an amount of Rs.25,000/- towards the head pain and suffering.

Further, keeping in view the nature of injury; the fact that the appellant had remained bed ridden for more than 3 months and remained hospitalized from 16.09.2003 to 04.10.2003, the appellant is also entitled for Rs.10,000/- for special diet, Rs.10,000/- for attendant charges and Rs.2,000/- for transportation.

Moreover, the appellant is stated to be a shopkeeper. Though there is no evidence that the shop was closed during his treatment, however, the sale must have suffered in the absence of the owner of the shop, so Rs.15,000/- shall be payable to the appellant towards loss of income. It is ordered accordingly.

In view of the above, the injured-appellant is held entitled

to the enhanced compensation of Rs.62,000/- [(Rs.25,000/- (towards the head pain and suffering) + Rs.10,000/- (towards the special diet) + Rs.10,000/- (towards the attendant charges) + Rs.2,000/- (towards the transportation charges) + Rs.15,000/- (towards the loss of income)], as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, he shall also be entitled to interest as indicated in the award i.e. 7.5% per annum, from the date of filing the present appeal, till its realization.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

28.03.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**