

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

**FAO-2415-2006 (O&M)
Date of decision: 12.05.2016**

Harbhajan Singh

...Appellant

Versus

Baljinder Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Suri, Advocate for the appellant.

Respondent Nos. 1 & 2 ex parte.

Mr. Gopal Mittal, Advocate
for respondent No.3

JITENDRA CHAUHAN, J.

CM-11872-CII-2006

After hearing learned counsel for the parties and keeping in view the averments made in the application which is supported by an affidavit of the appellant, the same is allowed. The delay of 98 days in filing the present appeal is hereby condoned, subject to all just exceptions.

FAO-2415-2006

The instant appeal has been preferred by the

appellant-claimant against the impugned Award dated 09.11.2005, passed by learned Motor Accidents Claims Tribunal, Fatehgarh Sahib, (for short, 'the Tribunal').

2. The learned counsel for the appellant submits that the appellant suffered multiple injuries, including fracture on his left leg below knee ankle joint, left foot and left thigh. He was operated upon and remained hospitalized from 19.11.2003 to 28.11.2003. It is, thus, submitted that the compensation awarded under all heads is inadequate.

3. On the other hand, the learned counsel for the respondent-Insurance Company, contends that just and reasonable compensation has already been awarded to the appellant.

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

5. In the instant case, the injured-appellant, was 43 years of age at the time of the accident. He suffered multiple injuries including fractures of left leg below knee, ankle joint, left foot and left thigh. He suffered permanent disability to the extent of 20%, vide disability certificate Ex.C1. He remained admitted at Bajaj Nursing Home, Mandi Gobindgarh till 18.11.2003 and Mittal Orthopaedic Centre Patiala till 28.11.2003. No amount

has been awarded towards special diet. Accordingly, an amount of Rs.10,000/- is awarded towards special diet. The appellant remained bed ridden approximately for six months, however, no amount has been awarded towards attendant charges. Accordingly, an amount of Rs.25,000/- is awarded under the head of attendant charges. The compensation awarded under all other heads seems to be just and reasonable.

6. In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.35,000/-, 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 @ 7.5% p.a., from the date of filing the present appeal, till its realization.

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

12.05.2016

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**(JITENDRA CHAUHAN)
JUDGE**