

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

FAO No.385 of 2007 (O&M)

Date of decision : 09.11.2016

Kartar Singh

.....Appellant

Versus

Shahnawaj and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. Swati, Advocate for
Mr. Jarnail Singh Saneta, Advocate for appellant.

Mr. Naveen Sharma, Advocate for
Mr. V. Ramswaroop, Advocate for respondents No.1 & 2.

Mr. G.D. Gupta, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by by the appellant-claimant against the award dated 01.09.2006, passed by learned Motor Accidents Claims Tribunal, Panipat (hereinafter called the “Tribunal”) vide which the appellant-claimant has been awarded compensation to the tune of Rs.43,747/- on account of the injuries suffered by him in the motor vehicular accident, which took place on 21.05.2005.

2. The present appeal has been preferred by the appellant-claimant for enhancement of award of compensation.

3. I have heard learned counsel for the parties and have gone through the record of the case carefully.

4. Initiating the arguments, learned counsel for the appellant-claimant contended that the adequate compensation has not been awarded to the claimant. The appellant-claimant has suffered multiple injuries. As per the medical evidence, his right scapula was displaced laterally and head of humerus was also displaced. However, the learned Tribunal has awarded only Rs.7000/- in lump sum towards special diet, pain and suffering and mental agony etc., which is very less. Thus, he contended that the just and appropriate compensation has not been awarded by the learned Tribunal.

5. On the other hand, learned counsel for respondents contended that the claimant has not suffered any permanent disability. He has been awarded suitable compensation by the learned Tribunal taking into consideration all the aspects and there is no scope of any further enhancement.

6. I have duly considered the aforesaid contentions.

7. The learned Tribunal has awarded a total sum of Rs.43,747/- *i.e.* Rs.7000/- towards pain and suffering and special diet, etc., Rs.26,222/- on account of medical expenses and Rs.10,525/- on account of damages to his vehicle. Rs.7000/- awarded in lump sum by the learned Tribunal on account of pain and suffering and the special diet seems to be inadequate. Thus, the compensation of Rs.7000/- awarded by the learned Tribunal shall be considered only for pain and suffering. In addition to that the appellant-claimant shall be entitled to a sum of Rs.3000/- towards transportation charges as he must have to visit the hospital for the follow up treatment.

8. The appellant-claimant has suffered the dislocation of right

scapula and head of humerus, so he might have needed the help of some attendant at least for a period of one month and will be entitled to a sum of Rs.2000/- for attendant charges.

9. The learned Tribunal has awarded a sum of Rs.26,222/- towards the medicine charges. No amount has been awarded to the appellant-claimant towards treatment charges. It is a fact of common knowledge that in addition to the purchase of the medicines, patient also has to pay some amount, even in government hospitals, for treatment. So the appellant-claimant shall be entitled to a sum of Rs.5000/- towards treatment charges. Thus, there will be an increase of Rs.10,000/- making the total amount of the compensation as Rs.53,747/-.

10. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellant-claimant is enhanced to Rs.53,747/- from Rs.43,747/- as awarded by the Tribunal. The appellant-claimant shall also be entitled to interest at the rate as determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realisation. The liability to pay the enhanced amount of compensation shall remain same as determined by the learned Tribunal in the main award.

09.11.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No