

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

FAO No.148 of 2009

Date of decision: November 04, 2016

Devender Kumar

... Appellant

Versus

Jai Parkash & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.S. Shekhawat, Advocate for the appellant.

None for respondent No.2.

Mr. Sandeep Suri, Advocate for respondent No.3.

Rajan Gupta, J.

Claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, loss of income etc. and no amount has been awarded for transportation and attendant. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads separately.

Learned counsel for respondent No.3 National Insurance Company Limited submits that adequate compensation has been awarded for the injuries suffered by the appellant.

I have heard learned counsel for the parties and given careful

thought to the facts of the case.

It appears that accident took place on 29.8.2006, in which appellant suffered injuries. The tribunal held that accident had taken place on account of rash and negligent driving of the offending vehicle i.e. Tractor No.HR-38-C/2341, driven by respondent No.1. As a result of said accident, appellant, suffered injuries on various parts of his body including right side of chest, clavicle and fracture in both bones of right forearm. He was taken to Civil Hospital, Rewari and thereafter was shifted to Pushpanjali Hospital, Gurgaon and he was discharged from there on 5.9.2006. The tribunal granted Rs.75,975/- towards medical expenses, Rs.20,000/- for pain and suffering, Rs.10,000/- for loss of income and Rs.2025/- towards miscellaneous expenses. A total compensation of Rs.1,25,000/- was granted to the appellant. Admittedly, appellant remained admitted in hospital for more than one week. In my considered view, compensation granted on account of pain and suffering is on the lower side. So, the appellant would be entitled to another sum of Rs.10,000/- for pain and suffering. Moreover, the tribunal has not granted any amount towards attendant as well as transportation. Therefore, appellant would be entitled to another sum of Rs.10,000/- towards attendant and Rs.5000/- for transportation. The appellant would also be entitled to interest @ 7.5% per annum on the enhanced amount from the date of filing of claim petition till payment. Respondents No.3 shall make payment of the enhanced compensation to the appellant and it shall be at liberty to recover the same from respondents No.1 and 2 as

held by the tribunal. Award of the tribunal is modified to this extent.

Rest of the award is maintained as such.

November 04, 2016
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No