

204.

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

FAO No.3224 of 2010 (O&M)

Date of decision:29.02.2016

Roshan Lal

... Appellant

versus

Ranbir Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.S. Longia, Advocate,
for the appellant.

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

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The appeal is for enhancement of claim for compensation for injuries sustained in a motor accident that took place on 20.05.2007. He had been admitted in the government hospital at Rohtak and later transferred to the Government Medical College and Hospital at Chandigarh the following day. The medical records brought before the court evidenced that he was in the hospital between the period 21.05.2007 to 23.06.2007. The doctor had given evidence to the effect that he was having fracture

dislocation of right hip joint, fracture of right fibula and lateral malleolous right with wound over right leg. The close reduction of the left leg was said to have been done on 21.05.2007 by general anesthesia and plaster was applied on right upper leg and upper tibia pin traction with two bricks was given on left lower limb. The Tribunal assessed ₹60,000/- as the compensation payable on the basis of the expenses that could have been incurred by taking note of the evidence of the doctor that there was limitation of movement of the left hip by 7% and the limitation of movement of the right ankle by 5%. The doctor opined that this disability could reduce over a period of time.

2. He was an agricultural labourer and the hospitalization and treatment must have surely impacted his income during the relevant time of treatment and post operative recovery period. There was evidence that this disability could reduce over a period of time in about a year.

3. The assessment is redone under respective heads and I will take the past loss of income at ₹15,000/- for about 5 months @ ₹3,000/- as the loss. For an injury in the hip and the lower limb which surely restricted the movements of leg, he could not have involved in the act of agricultural operations and I would provide for an amount of ₹30,000/- as loss of income for a further period of 10 months, post the filing of petition. I will also make possible the

claim for attendant charges, special diet and transportation at nominal sum having regard to the fact of his hospitalization for a month and the transportation expenses which he must have incurred for being taken from one hospital to another. The various heads of claims are tabulated as under:-

Date of accident: 20.05.2007			
Age: 27			
Period of hospitalization: 21.05.2007 till 23.06.2007			
Occupation & income :			
	Heads of Claim	Tribunal	High Court
Sr. No.		Amount ₹	Amount ₹
1.	Loss of income from to		15,000
2.	Medical expenses:		
i)	Medicines		18,000
ii)	Hospital charges		
iii)	Attendant charges		5,000
iv	Special diet		5,000
v	Transportation		2,500
3.	Pain & suffering		27,500
4.	Disability (12%) & compensation		25,000
5.	Income as assessed by the Tribunal (a)		
6.	% loss of earning capacity (b)		
7.	Multiplier (c)		
8.	Loss of earning capacity (a x b x c)		30,000
9.	Reduction in life expectancy		
10.	Loss of prospect of marriage		
	Total	60,000	1,28,000

There shall be an award of ₹1,28,000/- and the additional compensation shall also attract interest at 9% from the date of petition till date of payment. The liability shall be as determined already to make the insurer primarily liable and the right of recovery for the insurer is granted in terms of the decision of this court

rendered in FAO No.5569 of 2009 with reference to the same accident.

4. The appeal is allowed on the above terms.

(K.KANNAN)
JUDGE

29.02.2016
sanjeev