

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 3241 of 2010 (O&M)

Date of decision: 17.03.2016

Sunil Verma

... Appellant

versus

Balwinder Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Maharaj Kumar, Advocate for the appellant.

Ms. Vandana Malhotra, Advocate for respondent No.3.

K.Kannan, J. (ORAL)

CM No. 13676-CII of 2015

For the reasons mentioned in the application, duly supported by an affidavit, delay of 177 days in filing the application for restoration is condoned.

CM is disposed of.

CM No. 13677-CII of 2015

CM is allowed.

Appeal is restored to file at its original number.

FAO No. 3241 of 2010

With the consent of both the parties, appeal itself is taken up for hearing for disposal on merits.

The appeal is for enhancement of claim for compensation for an injury suffered by the claimant aged 28 years. It was a fracture of femur for which a spinal anesthesia has been given for performing the surgery for reduction of fracture. The Tribunal assessed the disability to the tune of 8% qua the limb and qua the whole body at 4%. It provided for Rs. 55,000/- that included Rs. 12,000/- for pain and suffering and

Rs. 12,000/- disability.

I find that all the heads of claim have been properly addressed except the nominal sum for the component of medical expenses which I will estimate at Rs. 2,000/-, for special diet Rs. 2,000/- and for transportation another amount of Rs. 2,000/-. I will increase the component of pain and suffering for surgical interventions and for reducing the fracture at Rs. 15,000/- and this would mean an additional amount in aggregate to Rs. 14,500/-. This will also attract interest at 7.5% from the date of the petition till the date of payment.

There shall be consequently an award for Rs. 14,500/- with interest against the Insurance company which will have a right of recovery as already provided by the award.

The award stands modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

17.03.2016
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