

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

FAO-2795-2011 (O&M)
(MACT case No.16 of 18.3.2010)
Date of decision: 12.2.2016

Ritesh Saini

...Appellant

Versus

Jitender Sarin and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Roopak Bansal, Advocate for the appellant

Mr.Neeraj Khanna, Advocate for the Insurance Company

SNEH PRASHAR, J.

By way of this appeal, the appellant, who suffered injuries in a motor accident, has sought enhancement of the compensation amount awarded by learned Motor Accidents Claims Tribunal, Gurgaon (in short 'the Tribunal'), vide award dated 4.11.2010.

The submissions made by learned counsel for the parties have been heard and record perused.

Mother of injured Ritesh Saini namely Poonam Saini stepped into the witness box as PW5 and testified that on 23.6.2009 during the accident her son sustained serious and grievous injuries on various parts of the body. From the site of accident, he was taken to

District Hospital Mujjafar Nagar, but his condition being serious, he was referred to M.Parkash Hospital and Research Centre, Meerut, where he was managed conservatively. Subsequently, he was referred to Sir Ganga Ram Hospital, New Delhi, where he remained admitted from 23.6.2009 to 29.6.2009. PW1 Dr.Dhiren Gpta of Sir Ganga Ram Hospital deposed that Ritesh Saini had suffered fracture frontal bone, contusion of liver and multiple facial lacerations. He had to undergo Neurosurgery and was also operated for complex facial repair.

Learned counsel for the appellant argued that treatment charges to the tune of Rs.89,051/- paid by the father of the appellant at Sir Ganga Ram Hospital as proved by PW1 Dr.Dhiren Gupta, were not taken into consideration by learned Tribunal. He further submitted that out of the total amount of receipts i.e. Ex.P10, Ex.P12 to Ex.P18 and Ex.P21 to Ex.P25, which comes to Rs.24702/- only an amount of Rs.11,000/- was allowed to be paid on account of treatment and medicine expenses. Nothing was awarded towards disfiguration of face and the consolidated amount of Rs.20,000/- towards pain and sufferings, special diet, attendant, loss of study and transportation etc. is on lower side.

It was observed by learned Tribunal in para 17 of the impugned Award that the total amount of bills/ receipts produced in evidence comes to Rs.24,702/-, Rs.14,400/- had been reimbursed to Rajpal Saini, father of the appellant by his company. It was for the

said reason that the remaining amount of Rs.11,000/-was allowed towards treatment and medicine expenses. As regards the payment of Rs.89,051/- charged at Sir Ganga Ram Hospital, father of the appellant neither produced the bill raised by the hospital nor tendered in evidence the receipt of payment. Admittedly, Rajpal Saini, father of the the appellant, is employed in Maruti Suzuki India Limited Gurgaon and is entitled for treatment from the hospital on panel of the company. The fact that the bill was not produced is sufficient to infer that total amount of the same was reimbursed to him by his company.

The appellant suffered multiple facial lacerations. He had to undergo surgery for facial repair, which must have led to facial disfiguration. He has a long life to go and the facial disfiguration can make him feel hesitant and embarrassed in the society. To compensate for this non-pecuniary loss a sum of Rs.One lac is allowed to him.

Keeping in view the period of hospitalisation of the appellant, the pain and suffering undergone by him due to the surgeries performed, requirement of special diet, expenses incurred on transportation etc. the amount awarded under said heads is enhanced to Rs.One lac.

Accordingly, the enhanced amount of Rs.1,80,000/- shall be paid to the appellant by the Insurance Company within two months from the date of the receipt of the certified copy of this judgment,

failing which, it shall carry interest at the rate of 7.5% per annum from the date of the filing of the appeal till its realisation.

In the above premises, the present appeal is partly allowed and the impugned award is modified as noticed above.

12.2.2016
gsv

(SNEH PRASHAR)
JUDGE