

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

FAO No.1120 of 2012 (O&M)
Date of decision: August 16, 2016

Harbhajan Singh @ Bhajan Singh ...Petitioner

Versus

Sanjay Bhargava and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jimmy Singla, Advocate for the applicant/appellant.
Mr. Vinod Gupta, Advocate for respondent No.3.

Rajan Gupta, J.(oral)

Present appeal has been preferred by the appellant dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, special diet, attendant etc. He remained under treatment for considerable period having suffered injuries on various parts of his body.

Learned counsel for the respondent No.3 insurance company 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 9.8.2008, in which appellant suffered injuries. Admittedly, accident was result of rash and negligent driving of the offending truck being driven by respondent No.1.

As a result of said accident, claimant had to undergo treatment in PGIMS, Chandigarh where he remained admitted from 10.8.2008 to 30.8.2008 and again from 4.7.2009 to 8.7.2009 and his plastic surgery was also done. The tribunal assessed a sum of Rs.21,350/- on account of medical bills. A perusal of records shows that left thumb of the appellant has been partially amputated. The tribunal also awarded Rs.30,000/- on account of pain and suffering, Rs.20,000/- each under the heads of special diet, attendant charges, transportation charges and loss of earning respectively. In this way, a total compensation of Rs.1,31,350/- has been granted to the appellant. In view of the fact that thumb of the appellant has been amputated, it appears that the amount granted for pain and suffering is on the lower side. Same needs to be double the amount. Accordingly, Rs.30,000/- more is granted to the appellant. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

(RAJAN GUPTA)
JUDGE

August 16, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No