

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

**FAO-5402-2011(O&M)**

**Date of decision : 22.04.2016**

**Harbans Kaur**

**..... Appellant**

**versus**

**Satpal and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr.Vinod Gupta, Advocate  
for the appellant.

Mr.Ravinder Arora, Advocate  
for respondent No.3.

**\*\*\***

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**AJAY TEWARI, J. (Oral)**

This appeal has been filed by the wife for enhancement of compensation in respect of the death of her husband due to the injuries which he suffered in a vehicular accident.

Brief facts of the case are that on 16.04.2008 at about 10.00 a.m. Harminder Singh and his uncle Arjun Singh were going to village Migni Khera from Hisar. Harminder Singh was driving his motor cycle whereas Arjun Singh was on his TVS scooty bearing No. HR-20G-6649. When they reached near Buffalo farm, a TATA-407 bearing no. HR-39-A-2331 driven in a rash and negligent manner by respondent

No.1 came from behind and struck against the scooty of Arjun Singh due to which he received multiple grievous injuries. Respondent No.1 after causing the accident fled away from the spot. Injured was first taken to General Hospital, Hisar. He was also got treated at Sarvodya Hospital, Hisar, Bhardwaj Hospital, Bhiwani, Sarojb Hopital, Delhi and some other hospitals as well. Arjun Singh had suffered fracture of occipital bone, multiple fracture of rib and scapula and fracture of mid shaft of radius and ulna. When he was discharged from hospital at Hisar, tracheostomy tube was in situ and ryle's tube catheter was also in situ and he died merely after four months after the discharge from the hospital.

The Tribunal awarded him compensation under various heads as follows:-

|    |                    |                     |
|----|--------------------|---------------------|
| 1. | Medical expenses   | Rs. 403350/-        |
| 2. | Pain and suffering | Rs. 100000/-        |
| 3. | Special diet       | Rs. 75000/-         |
| 4. | Transportation     | <u>Rs. 20000/-</u>  |
|    | Total              | <u>Rs. 598350/-</u> |

The Tribunal did not award anything on account of the death of Arjun Singh and also did not take it into consideration that an amount of Rs. 10 lacs was spent on his treatment but awarded only a sum of Rs.403350/- i.e. the amount of the bills submitted by the claimant. That is the reason this appeal has been filed for enhancement of compensation.

Learned counsel for the petitioner has argued that actually the deceased had died due to the accident but even if this fact is not taken to be proved the fact remains that he had been hospitalised for more than 5 months and even on the date of his discharge tracheostomy tube was in situ and ryle's tube catheter was also in situ which shows that he was still suffering and continued to suffer till his death. Learned counsel for the insurance company is not in a position to deny this fact.

In the circumstances I deem it appropriate to increase the compensation for pain and suffering by Rs. 1, 01, 650/- so as to make total compensation to be Rs.7 lacs. The enhanced compensation would carry interest at the rate of 8% p.a. from the date of filing of the application till the date of realisation.

With the modification in the award, the appeal is allowed in the above terms.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

**April 22, 2016**  
**sunita**

**(AJAY TEWARI)**  
**JUDGE**