

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

FAO No. 6230 of 2012 (O&M)

Decided on: 15.1.2016.

Ramphal

... Appellant

Versus

Balraj Singh and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. S.K. Rana, Advocate,
 for the appellant.

Mr. M.B. Jain, Advocate,
for respondent No.3.

JITENDRA CHAUHAN.J.(ORAL)

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Jhajjar, ('the Tribunal', for brevity) vide award dated 17.9.2012.

2. The learned counsel contends that the appellant suffered multiple grievous injuries and he had to undergo four surgeries, two each on both legs. He remained hospitalized from 5.3.2011 to 10.3.2011. The disability has been assessed to the extent of 70%. The amount of Rs.12,000/- has been allowed under the head of mental pain and suffering, which is inadequate. Further, an amount of Rs.8,000/- has been awarded under the head of special diet and transportation which is on lower side. Learned counsel for the appellant further refers

to the bills Ex.P-10 to P-23 and Ex.P-25 to P-32 that those have not been reimbursed.

3. On the other hand, the learned counsel for the insurance company has opposed the present appeal. He submits that the appellant has been awarded just compensation by the Tribunal.

4. I have heard the learned counsel for the parties and perused the record.

5. In the instant case, the injured-appellant, suffered multiple grievous injuries and he had to undergo four surgeries, two each on both legs. He remained hospitalized from 5.3.2011 to 10.3.2011. The disability has been assessed to the extent of 70%. The amount of Rs.12,000/- has been allowed under the head of mental pain and suffering, which is inadequate. Therefore, the appellant is awarded another sum of Rs. 20,000/- under this head. Further, an amount of Rs.8,000/- has been awarded under the head of special diet and transportation which is on lower side. Therefore, this Court feels that the ends of justice would be adequately met in case, the amount under this head is enhanced to Rs.15,000/-. It is ordered accordingly.

6. As regards the medical bills, it is to be seen that the treating Doctor was not examined. Only a Sales person was examined. The testimony of Sales person could be to the extent of purchase of the medicines but whether those were actually prescribed by the treating doctor and consumed by the injured is not fully proved on the record.

Therefore, the Tribunal has rightly not allowed the bills Ex.P-10 to P-23 and Ex.P-25 to P-32.

7. In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.27,000/-, as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, he shall also be entitled to interest @ 7.5% p.a., from the date of filing the present appeal, till its realization.

8. With the aforesaid modification in the impugned award, the present appeal is partly allowed.

15.1.2016.
SN

(JITENDRA CHAUHAN)
JUDGE