

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

FAO No.6537 of 2012 (O&M)
Date of decision: October 19, 2016

Rohtash ...Appellant

Versus

Kamal Shukla and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amandeep Rana, Advocate for the appellant.
Mrs. Shamsher Kaur, Advocate for respondent No.3 Ins. Co.

Rajan Gupta, J.(oral)

Claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, attendant, transportation etc. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads.

Respondents No.1 & 2 remain unrepresented.

Learned counsel for 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 18.03.2010, in which appellant suffered injuries. Admittedly, accident was result of rash and negligent driving of the offending vehicle i.e. Dumper No.AP-28W-4311 being driven by respondent No.1. As a result of said accident, appellant suffered injuries on various parts of his body. He got treatment from Safdarjang Hospital, New Delhi. The tribunal has granted Rs.23,730/- as expenditure on treatment of the appellant, Rs.10,000/- for transportation, Rs.5000/- for pain and suffering and Rs.3000/- on account of loss of salary. A total compensation of Rs.41,800/- has been granted to the appellant. In my considered view, compensation granted on account of pain and suffering and transportation is on the lower side. Further no amount has been granted for attendant. Therefore, appellant would be entitled to another sum of Rs.20,000/- towards pain and suffering and Rs.5000/- more for transportation. He would also be entitled to Rs.20,000/- for attendant. The appellant would also be entitled to interest as awarded by the tribunal. Recovery rights of the insurance company shall remain intact. 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

October 19, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No