

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

FAO 1120 of 2015 (O&M)
Date of decision: 16.09.2016

Manish Kumar*Appellant*
Versus
State of Haryana and others*Respondents*

Coram: **Hon'ble Mrs. Justice Rekha Mittal**
-.-

Present: Mr. Keshav Pratap Singh, Advocate
 for the appellant

 Mr. Kapil Bansal, DAG, Haryana
 for respondents No. 1 and 2

 Ms Alka Joshi, Advocate
 for respondent No. 3
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Rekha Mittal, J. (Oral)

Manish Kumar, the injured victim is in appeal seeking enhancement of compensation in regard to injuries sustained by him in a motor vehicular accident that took place on 22.10.2012.

The learned Tribunal awarded total compensation to the tune of Rs.3,53,000.00 under following heads:

Sr. No.	Nature	Amount in Rs
1.	Medical expenses	3,01,000.00
2.	Pain and suffering and disability	20,000.00
3.	Nutritious diet	06,000.00
4.	Attendant charges	06,000.00
5.	Transportation charges	20,000.00

Counsel for the appellant would contend that the Tribunal has not awarded any compensation for loss to matrimonial prospects of the

victim owing to injuries sustained in the accident. The compensation awarded for services of an attendant, pain and suffering also requires enhancement.

Counsel for the respondents have supported the award with the submissions that no inference in the assessment of compensation made by the Tribunal is justified.

I have heard counsel for the parties and perused the paper book particularly the award impugned.

Perusal of the award would evident that the injured victim remained hospitalized w.e.f. 22.10.2012 to 26.10.2012 and thereafter from 01.11.2012 to 11.11.2012 i.e. total period of 15-16 days. Counsel for the appellant has fairly informed that the injured has not suffered any disability due to fracture on his right elbow or injury on his face/head. There is nothing on record suggestive of the fact that wound on his face has left any scar that can have bearing on his matrimonial prospects. In this view of the matter, contention of the appellant for award of compensation on account of matrimonial prospects is without any merit and deserves to be rejected.

The learned Tribunal has awarded Rs.20,000.00 towards pain and suffering. In view of nature of injuries sustained by the victim coupled with the period of treatment as an indoor patient, no further increase in compensation under this head is justified.

The learned Tribunal has awarded Rs.6,000.00 for services of an attendant @ Rs.2,000.00 per month for a period of three months. Keeping in view value of services of an attendant available in the year 2012, compensation awarded for attendant charges is increased to Rs.9,000.00

from Rs.6,000.00. As a result, the appellant shall be entitled to additional amount of Rs.3,000.00, payable with interest at the rate of 7.5% per annum from the date of filling of the petition till realization.

Accordingly, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

16.09.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No