

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

FAO No.2200 of 2014 (O&M)

Date of decision: September 21, 2016

Narender Kumar

... Appellant

Versus

Rugha Ram & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek Suri, Advocate for the appellant.
Mr. Sidharth Sanwaria, DAG, Haryana for respondents No.5
and 6.
Ms. Vandana Malhotra, Advocate for respondent No.3.
Mr. Suvir Dewan, Advocate for respondent No.7.

Rajan Gupta, J.

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, transportation, attendant, loss of income etc. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads.

Learned counsel for respondent No.7 New India Assurance 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 05.01.2012, in which appellant suffered injuries. The tribunal held negligence of drivers of both the vehicles i.e. truck as well as the bus to the extent of 75% and

25% respectively. As a result of said accident, appellant, suffered injuries on various parts of his body and remained admitted in PGIMS, Rohtak from 5.1.2012 to 25.1.2012. He suffered 25% disability on account of fracture of left acetabulum (implants). The tribunal granted Rs.50,000/- towards permanent disability. It also granted Rs.13,500/- to the appellant on account of a medical bill, which was not reimbursed by his department and Rs.20,000/- for pain and suffering, mental agony, special diet and transportation. A total compensation of Rs.83,500/- was granted to the appellant. Admittedly, appellant remained admitted in hospital for 20 days. In my considered view, compensation granted on account of transportation as well as pain and suffering is on the lower side and the tribunal has not granted any amount towards attendant and loss of income. Therefore, appellant would be entitled to another sum of Rs.30,000/- towards pain and suffering, Rs.10,000/- for transportation and Rs.20,000/- towards attendant as well as loss of income. The appellant would also be entitled to interest @ 7.5% per annum on the enhanced amount from the date of filing of claim petition till payment. Respondents No.1 to 7 shall be liable to pay the enhanced amount jointly and severally as held by the tribunal. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

September 21, 2016
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No