

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

**FAO No.3577 of 2015
Date of decision :29.01.2016**

Harmesh Kumar

.....Appellant

Versus

Sandeep Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

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

Present: Mr. Kanwaljit Singh, Advocate for appellant.

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

DARSHAN SINGH, J.

This first appeal against order has been directed by the appellant-claimant against the award dated 10.02.2015 passed by the learned Motor Accidents Claims Tribunal, SAS Nagar (Mohali) (hereinafter referred to as the 'Tribunal'), vide which the appellant-claimant has been awarded a compensation to the tune of Rs.8500/- on account of the injuries suffered by him in the motor vehicular accident which took place on 25.05.2013. The present appeal has been preferred only for enhancement of the amount of compensation.

2. Learned counsel for the appellant contended that the learned Tribunal has awarded a meager amount of compensation of Rs.8500/- only. The claimant has suffered three injuries on his body. He had to take the regular treatment. He suffered lot of pain and sufferings. He has to spent money on special diet and transportation etc. Thus, he pleaded that the amount of compensation should be enhanced and the appellant-claimant should be awarded just and appropriate compensation.

3. On the other hand, leaned counsel for the respondent-Insurance Company contended that the claimant has not suffered any grievous injury or permanent disability. He has also not produced any treatment record, prescription slips or medicine bills. The learned Tribunal has awarded the compensation under all the heads which is just and appropriate keeping in view the nature of the injuries suffered by the claimant.

4. I have duly considered the aforesaid contentions.

5. This fact is not disputed that as per the medico legal report Ex.CW4, the appellant-claimant suffered the following injuries :-

1. Swelling on right forearm around 2 ½ inches long with superficial abrasion over it around 4 cm x 0.5 cm on the dorsolateral side- advised x-ray right forearm and ortho opinion,
2. Swelling over right hand on dorsal side with superficial abrasions on the right thumb on dorsal side 0 x 0.5 cm in size two in number. Advised x-ray right hand with wrist including thumb and ortho opinion,
3. Superficial abrasion on the right leg around 3 cm x 0.5 cm in the middle of leg on anterior side.

6. He was advised X-ray right forearm, X-ray right hand with wrist including thumb and ortho opinion. It is the settled principle of law that it is not always necessary to produce the medical bills in order to claim the compensation in the accident cases as it is a known fact that when a person suffers injuries he has to receive some treatment and has to spent money on doctors fees, medicines and investigations etc. Thus, even by taking into consideration the nature of injuries, the nature of treatment and period of hospitalization etc. the compensation for treatment charges can be assessed. The claimant has been awarded only a sum of Rs.5000/- towards the treatment and medical charges. In my opinion this amount is required to be enhanced to Rs.7000/-.

7. He has been awarded Rs.3000/- on account of pain and sufferings. The claimant has suffered three injuries on his body. He was advised X-ray for injuries No.1 and 2. Thus, he must have suffered lot of pain and sufferings on account of these injuries. So, the compensation under the said head is enhanced to Rs.5000/- from Rs.3000/- as awarded by the Tribunal.

8. The learned Tribunal has awarded only Rs.500/- towards special diet, which also deserves to be enhanced to Rs.1500/-. The learned Tribunal has not awarded any amount to the claimant towards transportation charges. The claimant must have to go to the hospital for treatment as well as for follow up. So, he will be entitled to a sum of Rs.1500/- towards transportation charges. In this way, the claimant shall be entitled to a sum of Rs.15,000/- as compensation on account of the injuries suffered by him in this accident instead of Rs.8500/- as awarded

by the Tribunal. So, there will be an overall increase of Rs.6500/- in the amount of compensation.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced by Rs.6500/- raising the total amount of compensation/award to Rs.15,000/- instead of Rs.8500/- as awarded by the learned Tribunal. The claimant shall be entitled to interest on the enhanced amount from the date of filing the petition till realization @ 6% per annum, the rate of interest as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

29.01.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**