

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

FAO No.5746 of 2014.

Date of Decision: 12.05.2016.

Virender Sahney

....Appellant.

VERSUS

Jasbir Singh and other

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Inderjeet Singh, Advocate for the appellant.

Mrs. Vandana Malhotra, Advocate for respondent No.3.

SNEH PRASHAR, J.

By way of this appeal, appellant-claimant Virender Sahney seeks enhancement of compensation awarded by Motor Accident Claims Tribunal, Jagadhri (for short, "the Tribunal") vide award dated 09.01.2014 passed in MACT Case No.101 of 2010/2013 filed by him on account of injuries sustained in a vehicular accident that took place on 29.08.2010.

The submissions made by Mr. Inderjeet Singh, learned counsel for the appellant and Mrs. Vandana Malhotra, learned counsel for respondent No.3 have been heard and record perused.

Learned counsel for the appellant argued that the appellant had suffered crushed injury of left leg with multiple ribs fracture, osteomyelitis

of fibula with non-healing ulcer on left leg. He remained hospitalized w.e.f. 29.08.2010 to 18.11.2010; skin grafting on his left leg was done; he suffered 15% permanent disability and spent around Rs.1,50,000/- on his treatment, medicine, transportation, attendant and special diet etc., but the amount awarded by learned Tribunal on those counts is extremely less. The appellant also suffered loss of income during the period he remained hospitalized and when he was on follow up treatment but learned Tribunal has not adequately compensated him for that loss.

On the other hand, learned counsel for the respondent-insurance company submitted that the compensation awarded by learned Tribunal covers all pecuniary and non pecuniary counts on which the appellant had suffered loss due to the injuries sustained by him.

Admittedly, during the accident, the appellant-claimant sustained crushed injury of left leg with multiple ribs fracture, osteomyelitis of fibula with non-healing ulcer on left leg and remained hospitalized in P.G.I., Chandigarh w.e.f. 29.08.2010 to 18.11.2010. The total amount of the medical bills/receipts tendered in evidence i.e. of Rs.1,15,783/- showing expenditure on treatment and medicines etc. was allowed by learned Tribunal. As regards, the disability to the extent of 15% suffered by the appellant, learned Tribunal rightly allowed Rs.50,000/- to the appellant.

The amount of Rs.12,000/- as compensation allowed on account of loss of income to the appellant for three months i.e. the period during which the appellant remained hospitalized and on follow up treatment appear to be less. Considering the nature and number of injuries

suffered by the appellant it seems he may not have been able to return to his routine work for atleast six months. His income was rightly assessed as Rs.4000/- per month and for loss of income during the period of hospitalization and follow up treatment, he is awarded Rs.24,000/- which will include the amount of Rs.12,000/- already allowed.

PW2 Dr. Dipender Singh Sandhu found the appellant suffering from 15% permanent disability on account of crushed left leg injury and fractures and testified that the appellant would be having difficulty in walking and standing. Keeping in view the gravity of injuries, the amount of Rs.10,000/- awarded for the pain and suffering to the appellant is enhanced to Rs.30,000/-. Needless to say that during the period of hospitalization, the appellant required a full time attendant. Even if his family members were attending on him, it is obvious that he must have spent a good amount on their transportation and boarding-lodging. He also must have spent on his own transportation and special diet etc. The amount of Rs.5000/- awarded as attendant charges, Rs.5000/- towards transportation and Rs.1500/- for special diet is enhanced to Rs.20,000/- in all. Further, because of the disability, the appellant will have discomfort in discharge of his daily necessities of life. As such, for loss of amenities of life, a further amount of Rs.20,000/- is awarded to him. The rate of interest allowed by learned Tribunal shall remain the same. Recovery rights given to respondent No.3-insurance company shall remain as it is.

Accordingly, the appeal filed by the appellant-claimant is partly allowed and the award dated 09.01.2014 passed by learned Tribunal

is modified. The enhanced compensation of Rs.60,500/- shall be paid to the appellant within 45 days from the date of receipt of certified copy of this judgment failing which the appellant-claimant shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing the appeal till realization.

(SNEH PRASHAR)
JUDGE

12.05.2016.
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