

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

FAO No.855 of 2014(O&M)

Date of decision:21.10.2016

Kedar Nath

....Appellant

VERSUS

Shamsher Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. J.P. Sharma, Advocate for the appellant.

Mr. Arvind Bansal, Advocate of respondent Nos.1 and 2.

None for respondent No.3.

REKHA MITTAL, J. (Oral)

The injured victim is in appeal seeking enhancement of compensation in respect of injuries sustained by him in a motor vehicular accident that took place on 24.07.2010.

The Tribunal awarded an amount of Rs.16,800/- under the following heads:-

Treatment incl. Medicines	Rs.7800/-
Loss of work/income	Rs.3000/-
Pain and sufferings, Attendant	Rs.5000/-
Transportation, special diet	<u>Rs.1000/-</u>
Total	<u>Rs.16,800/-</u>

Counsel for the appellant has submitted that as the injured suffered fracture both bones right leg and was operated upon by Dr. Balbir Singh Virk PW-1 and an implant was inserted, compensation for loss of income, pain and suffering, attendant charges, transportation and special diet needs enhancement. Another submission made by counsel is that due

to sustaining of injuries, the injured has been rendered incapacitated to sit, squat, walk, run and pedal bicycle.

Counsel for respondents No.1 and 2, on the contrary, has supported the award with the submissions that there is no justification for enhancement of compensation assessed by the Tribunal.

There is no representation on behalf of the insurance company, earlier being represented by Sh. Vishal Goel, Advocate.

I have heard counsel for the parties, perused the paper-book and the records.

The Tribunal has awarded an amount of Rs.78,000/- towards medical expenses on the basis of receipts Ex.P6 to P9 and an amount of Rs.2500/- charged by Dr. Balbir Singh Virk. The claimant also produced on record a document Mark-A in respect of an amount of Rs.10,700/-. A perusal of Mark-A would make it evident that the same has been written on a plain paper, therefore, it is difficult to accept the document for allowing benefit of Rs.10,700/- to the victim qua medical expenses. The assessment made by the Tribunal in regard to medical expenses is affirmed.

The Tribunal has awarded an amount of Rs.9,000/- in all for loss of income, pain and suffering, attendant charges, transportation and special diet. Dr. Balbir Singh Virk has proved that the injured victim suffered fracture of both bones of right leg. The victim got treatment as an indoor patient for a period of 7 days and was operated upon. In view of nature of injuries sustained, the victim must not have been able to resume his normal routine much less to work and earn at least for a period of 3 months. There is nothing on record suggestive of the fact that the injured victim has suffered any disability as a result of injuries sustained in the occurrence.

In view of the above, the compensation awarded by the Tribunal to the tune of Rs.9,000/- under the aforesaid heads is enhanced to Rs.20,000/-.

In this manner, the claimant shall be entitled to additional amount of Rs.11,000/- payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

OCTOBER 21, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no