

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

FAO-9268-2014
(MACT No.7 dt 18.2.2013)
Date of decision: 17.5.2016

Amrik Singh

...Appellant

Versus

Gaurav Khurana and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Vaibhav Sehgal, Advocate for the appellant

Respondents No.1 and 2 ex-parte

Mrs.RN Singhal, Advocate for respondent No.3

SNEH PRASHAR, J.

The present appeal had been filed by claimant-appellant Amrik Singh seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Fast Track Court, Ludhiana (hereinafter referred to as 'the Tribunal') vide award dated 30.10.2013 on account of the injuries suffered by him in a motor vehicular accident that took place on 28.10.2012.

The submissions made by Mr. Vaibhav Sehgal, Advocate representing the appellant and Mr.RN Singhal, Advocate for respondent No.3- Insurance Company have been heard and record perused.

It is submitted on behalf of the appellant that due to the injuries sustained by the appellant during the accident, he remained admitted in Kalyan Hospital, Ludhiana from 29.10.2012 to 12.11.2012.

The injuries resulted in making him permanently disabled. He had to undergo three operations and is likely to undergo one more in future. As a plate was inserted in his right arm, he is unable to work properly. Nothing was allowed on account of the disability suffered by the appellant. Also the amount awarded under the head of pain and suffering, special diet, transportation charges and loss of income is extremely less.

PW2 Dr. Bhupinder Verma, Medical Officer, Kalyan Hospital, Ludhiana proved that the appellant suffered comminuted fracture right ulna (mid/ 3rd) and crush injury right great toe alongwith multiple lacerated wounds on right ankle and face. The appellant remained hospitalised in Kalyan Hospital, Ludhiana from 29.10.2012 to 12.11.2012. He had undergone three operations and he may have to undergo one more surgery for removal of plate so affixed in his right arm. But except for the oral statement of the appellant that he has become disabled, no disability certificate was produced or proved by him. PW2 Dr. Bhupinder Verma, who treated the appellant, did not utter a word to say that the appellant had suffered any kind of disability.

The expenses incurred on treatment including the medicines etc. i.e. Rs.54140/- proved on record, have already been allowed to the appellant. Apart from it, the appellant was allowed a sum of Rs.5000/-for special diet and Rs.1800/- as attendant charges, which appear to be just and adequate. Assessing the income of the appellant as Rs.5000/- learned Tribunal awarded Rs.5000/- on account of loss of income. The appellant remained hospitalised for about 13 days. He was thrice

operated and had injuries on all over the body. Considering the nature of injuries, it can be assumed that he may not have been able to attend to his normal duties for atleast three months. Accordingly, the amount awarded on account of loss of income is enhanced to Rs.15000/-.

Keeping in view the hospitalization period and the surgeries undergone by the appellant, the amount awarded for the pain and suffering and the transportation expenses incurred during follow up treatment also needs to be enhanced to Rs.30,000/- and Rs.5000/- respectively. A further amount of Rs.5000/- is allowed for future surgery i.e. for removal of the plate from the right arm.

Accordingly, the enhanced compensation of Rs.45,500/- shall be paid to the claimant-appellant within two months from the date of receipt of the certified copy of this judgment, failing which, it shall carry interest @ 7.5% per annum from the date of filing the appeal, till its realization.

With the above modification in the impugned award, the present appeal is partly allowed.

17.5.2016
gsv

(SNEH PRASHAR)
JUDGE