

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

FAO No.192 of 1995  
Date of decision :08.09.2017

Nachhattar Singh

...Appellant

Versus

Jagga Ram and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. G.S. Punia, Advocate  
for the appellant.

Mr. Pardeep Goyal, Advocate for  
Mr. R.K. Sharma, Advocate  
for the respondent-Insurance Company.

**ANIL KSHETARPAL, J.(Oral)**

Claimant is in appeal against the award passed by the Motor Accident Claims Tribunal, Patiala and seeking enhancement of the compensation.

Motor Accident Claims Tribunal has assessed the compensation of Rs.8,000/- with interest @ 18% per annum from the date of filing the claim petition.

In this case, accident took place on 15.05.1992. Claimant was 76 years old at that time. He was taken to Dr. S.P. Mittal, who has been examined as PW-2. He conducted x-ray and found that there is a fracture of right knee joint. He also conducted x-ray on the left hand. Thereafter, the appellant was discharged. Appellant went to another hospital owned by Dr. Gurdev Singh Mangat, who has been examined as PW-1. Dr. Gurdev Singh Mangat has stated in his evidence that the appellant suffered multiple fracture of right thigh, right leg and dislocation of left wrist. He has further

stated that he had charged Rs.26,000/- from the appellant. He has further

stated that the appellant remained as an indoor patient admitted in hospital for a period of three months as the appellant developed tetanus and he was required to be treated.

Motor Accident Claims Tribunal ignored the evidence of Dr. Mangat on the ground that Dr. Mangat had not been able to produce x-ray films to show that the appellant suffered any fracture of right thigh. Motor Accident Claims Tribunal has further held that the injuries/fractures as found by Dr. Mittal and Dr. Mangat do not match.

There is no dispute that there is some discrepancies, however, in the present case, Dr. Mangat has been examined as PW-1. He has deposed in detail about the injuries suffered by the appellant. Still further, Civil Surgeon had issued a Disability Certificate showing that appellant has 50% disability as there is shortning of right lower limb by three inches and stiffness right knee and right hip.

In these circumstances, the Motor Accident Claims Tribunal had committed a grave irregularity in overlooking the evidence available on the file. Dr. Gurdev Singh has specifically stated that due to floods entire record has been washed away. However, Dr. Gurdev Singh Mangat has specifically stated that he had charged a sum of Rs.26,000/- from the appellant.

Taking into consideration the evidence which has come on record, the appellant is awarded, (i) for medical bills Rs.26,600/-; (ii) for future medical expenses Rs.25,000/-. Since there is evidence available on the file, the appellant suffered disability to the extent of 50%, therefore, the appellant is also entitled to Rs.1,00,000/- on account of disability; (iii) the appellant shall further be entitled to loss of income for a period of three

months when he remained hospitalized and three months thereafter, also compensation at the rate of Rs.2,000/-X 6 months i.e. Rs.12,000/- and Rs.20,000/- for pain and sufferings. The total amount of compensation comes to Rs.1,83,600/-.

For facility of reference, the compensation arrived at under different heads is given in the table below:-

| Sr. No. | Heads                      | Amount earlier awarded by the Tribunal | Now awarded      |
|---------|----------------------------|----------------------------------------|------------------|
| 1       | Medical bills              | 2,000/-                                | 26,600/-         |
| 2       | Future medical expenses    | Not awarded                            | 25,000/-         |
| 3       | Hospitalization (2000 X 6) | Not awarded                            | 12,000/-         |
| 4       | Disability                 | Not awarded                            | 50% (1,00,000/-) |
| 5       | Pain and sufferings        | 5,000/-                                | 20,000/-         |
| 6       | Special diet               | 1,000/-                                | Not awarded      |
|         | Total                      | 8,000/-                                | 1,83,600/-       |

Hence, there is increase of Rs.1,75,600/- in the amount of compensation. Thus, the appeal filed by the appellants is accordingly disposed of. The enhanced amount of Rs.1,75,600/- shall also attract interest @ 7.5% p.a. from the date of filing of the claim petition till realization.

08.09.2017  
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(ANIL KSHETARPAL)  
JUDGE

Whether Speaking/reasoned :  
Whether Reportable :

Yes  
No