

In the High Court of Punjab and Haryana at Chandigarh

**F.A.O No. 726 of 2000
Date of Decision: 21.2.2017**

Naresh

.....Appellant

Versus

M/s Capital Bus Service (Pvt.) Ltd. and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Kamaldeep Kaur, Advocate
for the appellant.

Mr. Rajneesh Malhotra, Advocate
for respondent No. 3.

ANITA CHAUDHRY, J

This is the claimant's appeal seeking enhancement in the compensation awarded to the claimant for the injuries suffered by him in an accident which occurred on 22.11.1996.

Naresh met with an accident at 6.30 A.M. when a bus driven by respondent No. 2 ran over him. He was selling newspapers near the bus stand. The owner and the driver failed to contest the petition. The insurance company denied the accident and raised number of pleas.

The Tribunal held respondent No. 2 responsible for the accident and noted the injuries in para 15 of the award and awarded Rs. 54,891/- for the medical expenses and Rs. 30,000/- for pain and suffering. An award of Rs. 84,891/- was passed.

The submission on behalf of the appellant was that though no

stated that there was an injury on the head and the Tribunal failed to award any compensation nor added the bills Mark A-1 to A-81. It was urged that the patient had been shifted to Tirath Ram Hospital in Delhi and the claimant was entitled to transportation charges, special diet and loss of amenities, attendant charges and some more amount for pain and suffering.

Claimant Naresh had stated that his urine bladder had burst but there is no evidence to support this statement. A perusal of the MLR shows that there was defuse swelling on the left ankle, on the left feet and the pubic region and x-ray had been advised but the x-ray reports were not produced. However, the bill issued by Tirath Ram Hospital shows that the patient underwent an operation, the admission was for over 10 days. I find that the bills that were proved by PW-4 and PW-5 were allowed but the bills Mark-A-1 to A-81 which were tendered in evidence were not considered. Those bills come to the tune of Rs. 16,885.35 which should have been allowed. The record reveals that the claimant had been visiting Tirath Ram Hospital on number of times. Therefore, some amount should be added for transportation. The Tribunal had failed to award amount for special diet, loss of income etc. I would make the following additions:-

	<i>(In Rs.)</i>
Medical Bills	16,885.35
Transportation	10,000.00
Special diet	10,000.00
Loss of income for one month	10,000.00
Pain and suffering	20,000.00
Attendant charges	10,000.00
Total	76,885.35

interest @ 6%. The liability would be joint and several. There is no material to find the date of filing of appeal but from the index form it is revealed that it was drafted on 11.2.2000. The files were destroyed in a fire incident in 2011. The interest payable therefore will be calculated from March 2000 till payment.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

February 21, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No