

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

**FAO No. 1402 of 2001 (O&M)**  
**Date of Decision: September 29, 2017**

**Davender**

..Appellant(s)

**Versus**

**Mukesh Kumar and others**

...Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. Rishav Jain, Advocate (Amicus Curiae)  
for the appellant.

Mr. Paul S. Saini, Advocate with  
Mr. Vipul Sharma, Advocate  
for respondent no.4-Insurance Company.

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**ANITA CHAUDHRY, J.**

This is the claimant's appeal seeking enhancement in the award dated 08.11.2000, passed by the Motor Accident Claims Tribunal, Rohtak.

Davender – appellant had suffered injuries in an accident which occurred on 04.04.1998. Davender was 27 years old and was working as a teacher with Government of Haryana. It was claimed that he was getting a salary of Rs.9,000/- per month. He also claimed that he remained on leave for one year though failed to summon any record from his office. The Tribunal noted that he remained on leave for a

total period of 21 days but on different dates in different months. There was no disability nor any fracture. He had injuries on the stomach and chest. There was some surgical intervention on 15<sup>th</sup> July 1998. The Tribunal noted that the total bills placed on record were to the tune of Rs.17,400/- and were allowed to him. Another sum of Rs.10,000/- was allowed for pain and suffering and Rs.10,000/- for hardship and mental stress.

Counsel for the insurance company very fairly concedes that though the Tribunal had noted that the claimant had spent Rs.15,000/- on the treatment in the hospital vide bill Ex. P-13 but the same was not added and he was entitled to this amount only.

Counsel for the appellant contends that there was a surgical intervention and he would have taken leave for some time and no amount has been allowed for special diet, attendant or for transportation and should be suitably compensated.

The submission on behalf of the insurance company was that the accident is of 1998 and rates of those times should be considered if any amount is to be added.

The Tribunal though in para 12 had noted that a sum of Rs.15,000/- had been spent on treatment and a bill was produced but it failed to add this amount. Therefore, this amount had to be added. I also find that there were some heads upon which no compensation has been allowed. The medicines were being purchased from April till

July. Therefore, I would make the following addition:-

| Sr. No. | Head of Compensation         | Amount             |
|---------|------------------------------|--------------------|
| 1.      | Amount for treatment         | Rs.15,000/-        |
| 2.      | Loss of income for one month | Rs.9,000/-         |
| 3.      | Attendant charges            | Rs.3,000/-         |
| 4.      | Transportation charges       | Rs.3,000/-         |
| 5.      | Special diet                 | Rs.5,000/-         |
|         | <b>TOTAL</b>                 | <b>Rs.35,000/-</b> |

The amount of Rs.35,000/- would be additionally paid to the appellant by the insurance company with interest @ 6% from the date of filing of appeal till realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)  
JUDGE

September 29, 2017  
sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No