

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.341 of 2003

Date of Decision.10.07.2017

Gurjant Singh

.....Appellant

Vs

Bhupinder Singh and others

.....Respondents

Present: Mr. Vijay Sharma, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-. -

AMIT RAWAL J.(ORAL)

The appeal is for enhancement of compensation for injuries suffered by the claimant-Gurjant Singh in a motor accident occurred on 13.05.1999 when the claimant was coming from Delhi in Canter Tempo No.HR-37-4985, driven by respondent No.1. When they reached at village Samana Bahu near Nilokheri, Distt. Karnal, the canter tempo in which the injured was travelling, struck against a truck/tanker bearing No.HR-38-B-1631 going ahead of them, resulting into multiple injuries to the claimant.

The claimant was admitted in L.N.J.P. Hospital, Kurukshetra from where he was referred to Govt. Hospital, Sector 32, Chandigarh and remained admitted there from 15.5.1999 to 21.05.1999. Thereafter, he was shifted to Govt. Hospital, Sector 16, Chandigarh and remained admitted there upto 9.7.1999. He was re-admitted on 08.04.2000 and discharged on 12.04.2000. The claimant got fracture of both bones of his legs with fracture second, third and fourth metatarsal on the left side and fracture calcaneun on the right. He had undergone three surgeries and four units of

blood were transfused. Plaster of paris was also applied initially as emergency treatment for almost six months.

The claimant was worked as Cleaner on Temp and was earning ₹2000/- per month. He was aged 20 years. He claimed to have spent ₹50,000/- to ₹60,000/- on treatment. The Tribunal while assessing the compensation awarded a compensation of ₹60,000/- with interest @9% p.a. from the date of filing of the claim petition till the date of realization under the following heads:-

i) Permanent disability	:	₹20,000/-
ii) Pain & Suffering	:	₹10,000/-
iii) Medicines	:	₹20,000/-
iv) Attendant charges	:	₹5,000/-
v) Conveyance	:	₹5,000/-
Total	:	₹60,000/-

Learned counsel for the appellant contends that the Tribunal has assessed the compensation on lower side, as it failed to consider the fact that the claimant remained bed ridden for almost six months and during all this period, he suffered loss of income but nothing has been provided for the same. The claimant undergone three surgeries and therefore, amount of ₹10,000/- for pain and suffering is on lesser side. The claimant claimed to have spent ₹50,000/- to ₹60,000/- but the Tribunal has provided only a sum of ₹20,000/-. Nothing has been provided for loss of amenities of life and loss of prospect of marriage, thus, there is scope for enhancement.

Learned counsel appearing on behalf of the insurance company submits that the award passed by the Tribunal is perfectly legal and justified and there is no scope for further enhancement.

I have heard learned counsel for the parties, appraised the paper book and of the view that the Tribunal has erred in assessing the compensation and there is scope of enhancement. I will provide ₹12,000/- for loss of income during the period when the claimant remained hospitalized/immobilized. For pain and suffering I will also provide another ₹15,000/- in addition to ₹10,000/- already provided by the Tribunal. I will also provide ₹15,000/- for loss of amenities of life and ₹25,000/- for loss of prospect of marriage. I will retain the sum of Rs.20,000/- provided for permanent disability, as the claimant did not produce the disability certified and there is no evidence as to how and to what extent, the disability affected the earning capacity of the claimant as Cleaner. Therefore, the appellant shall be entitled to another sum of ₹67,000/- in addition to what has already been provided by the Tribunal, which shall also attract interest @6% from the date of filing of the appeal till its realization.

The award is modified and the appeal is allowed to the above extent.

(AMIT RAWAL)
JUDGE

July 10, 2017
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No