

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

FAO No. 1088 of 2008(O&M)

Date of decision: 19.9.2017

Jeet Singh

....Appellant

VERSUS

Sat Pal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajesh bansal, Advocate for the appellant.

Mr. S.S. Ghanghas, Advocate for respondents No.1 and 2.

Mr. Suvir Dewan, Advocate for respondent No.3.

REKHA MITTAL, J.(Oral)

The injured/victim is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Panipat (in short 'the Tribunal') in regard to injuries sustained by him in a motor vehicular accident that took place on 19.09.2005.

The Tribunal awarded compensation of Rs.76,000/- detailed hereunder:-

Expenses on medical treatment	Rs.51,000/-
Services of an attendant and special diet	Rs.10,000/-
Pain and mental agony	Rs.5,000/-
For injuries	Rs.10,000/-

Counsel for the claimant has urged that Jeet Singh sustained serious injuries in the occurrence and remained confined to Chhabra Hospital from 19.09.2005 to 06.10.2005. It is further submitted that Dr. Surinder Kumar Chirvi, Surgeon Incharge, Chhabra Hospital, Panipat PW-

2 was examined to prove nature of injuries sustained as well as treatment given to the injured before he was discharged on 06.10.2005. According to counsel, the Tribunal has not awarded any compensation for loss of income for the period of treatment and recovery. Compensation awarded for services of an attendant and special diet, pain and mental agony is on lower side and needs enhancement.

Counsel representing the insurance company has supported the award with the submission that adequate compensation has been awarded by the Tribunal.

I have heard counsel for the parties, perused the paper-book and the records.

Dr. Surinder Kumar Chirvi PW-2 was examined to prove medical condition of the injured victim and the nature of treatment given to him for taking care thereof. A relevant extract from his testimony reads as follows:-

“There was fracture ribs on left side on costal margin. Abdomenal paracentesis was done. Frank blood was found in peritoneal cavity. Patient was resuscitated. Patient was operated upon. Four liters of frank blood were found in peritoneal cavity. Spleen was massirated into six pieces, tail of pancreas was also injured. Spleenectomy was done and tail of pancreas was repaired. Peritonal toilet was done and wound was closed in three layers after putting in intra-abdomenal tube drains. Patient was transfused four units of blood and recovered fully and was discharged on 06.10.2005 in a stable condition.”

In his cross examination, the witness has deposed that last visit of patient in the hospital was on 25.10.2005.

Counsel for the appellant has fairly informed that medical expenses on the basis of bills/receipts produced on record have been reimbursed by the Tribunal. Compensation awarded by the Tribunal for services of an attendant and special diet to the tune of Rs.10,000/- is ordered to be affirmed. However, in view of nature of injuries sustained, coupled with the treatment given to him as an indoor patient, he is awarded an amount of Rs.15,000/- on account of pain, sufferings and mental agony. The claimant is awarded an amount of Rs.5,000/- for expenses on transportation. The amount of Rs.10,000/- for injuries awarded by the Tribunal is ordered to be appropriated towards loss of income during the period of treatment and recovery. The additional amount of Rs.15,000/- shall be payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 19, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no