

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

FAO No.563 of 2008 (O&M)

Date of decision : 22.03.2017

Puran Singh

.....Appellant

Versus

Jaibir and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Rahul Vats, Advocate for appellant.

Mr. Sandeep Suri, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

CM-2752-CII-2008

There is delay of 412 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 412 days in filing the present appeal is hereby condoned.

FAO No.563 of 2008

The present appeal has been preferred by appellant-claimant

Puran Singh against the award dated 26.07.2006 passed by the learned Motor Accidents Claims Tribunal, Hisar (hereinafter called the “Tribunal”) in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short—the “Act”) vide which the appellant-claimant has been awarded compensation to the tune of ₹77,700/- on account of the injuries suffered by him in the motor vehicular accident which took place on 17.04.2003. He has also been awarded compensation to the tune of ₹20,000/- due to the damage caused to his motorcycle.

2. The present appeal has been preferred by the appellant-claimant for enhancement of the amount of compensation.

3. I have heard learned counsel for the parties and have gone through the record of the case carefully.

4. Learned counsel for the appellant-claimant contended that the learned Tribunal has not properly assessed the compensation for the medical and treatment charges. Only the bill Ex.P4 has been taken into consideration. The other bills regarding investigations and purchase of medicines Ex.P5 to Ex.P35 have not been taken into consideration. Thus, he contended that just amount of compensation has not been awarded.

5. Learned counsel for respondent - Insurance Company contended that the learned Tribunal has properly assessed the amount of the compensation. The claimant has not suffered any permanent disability. So, there is no scope of enhancement of the amount of compensation.

6. I have duly considered the aforesaid contentions.

7. Learned counsel for the appellant has assailed the impugned

award simply on the ground that less amount has been awarded by the learned Tribunal for medical and treatment charges. Dr. N.C. Verma, the treating doctor has appeared as PW2. He has categorically deposed that the claimant remained under treatment from 17.04.2003 to 25.04.2003. During this period, he had undergone surgery. He further deposed that the hospital charged an amount of ₹23,860/- and the bill in this regard is Ex.P4 which bears his signatures. He further deposed that the bills Ex.P5 to Ex.P35 are the bills of investigation, X-ray charges, laboratory charges and medicines. The bills Ex.P26 to Ex.P35 have been attested by him.

8. The learned Tribunal has awarded a total sum of ₹25,000/- towards cost of treatment. There was no reason to discard bills Ex.P5 to Ex.P35 which relate to the investigation charges, X-ray charges and medicines. The appellant-claimant has suffered serious injuries in this accident. He even underwent surgery. Thus, it was quite possible that he might have also undergone investigations and subject to X-rays. He has to purchase medicines. Thus, the entire bills produced by the claimant should have been taken into consideration by the learned Tribunal to assess the medical and treatment charges. The total of the bills Ex.P4 to Ex.P35 comes to ₹46,642/-, to make it a round figure we can take it as ₹46,650/-. Thus, the appellant-claimant shall be entitled to receive ₹46,650/- on account of medicine and treatment charges instead of ₹25,000/- as awarded by the learned Tribunal. With this increase, in the medicine and treatment charges, the compensation payable to the appellant-claimant for injuries caused to him in this accident will be as under : -

Sr. No.	Heads of compensation	Amount of compensation awarded by the Tribunal <i>(in rupees)</i>	Amount of compensation enhanced by this Court <i>(in rupees)</i>
1.	Cost of treatment	25,000	46,650
2.	Special diet and transportation	15,000	15,000 <i>(no change)</i>
3.	Leave encashment	17,700	17,700 <i>(no change)</i>
4.	Pain and suffering and loss of enjoyment	20,000	20,000 <i>(no change)</i>
Total		77,700	99,350

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellant-claimant is enhanced to ₹99,350/- from ₹77,700/- as awarded by the Tribunal. The appellant-claimant shall also be entitled to interest on the enhanced amount of compensation at the rate as awarded by learned Tribunal, from the date of filing the petition till realisation. The liability to pay the enhanced amount of compensation shall remain the same as determined by the learned Tribunal in the main award.

22.03.2017
sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No