

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 5117 of 2010 (O&M)

Date of decision: 16.02.2017

Suresh Kumar

... Appellant

versus

Sher Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. K.S. Dhanora, Advocate for the appellant.

Mr. Shivender Sarup, AAG Haryana.

Ms. Vandana Malhotra and
Ms. Monika Jangra Advocates for respondent No.4.

HARI PAL VERMA, J. (ORAL)

The appellant-claimant has filed the present appeal seeking enhancement of compensation granted by Motor Accident Claims Tribunal (In short 'Tribunal') Kurukshetra, vide award dated 08.01.2010.

The appellant-claimant had filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on account of the injuries sustained by him in a roadside accident which took place on 14.11.2007 in the area of Police Station Kurukshetra University, District Kurukshetra.

After the accident, the appellant-claimant was firstly taken to L.N.J.P Hospital, Kurukshetra where he was medico-legally examined. Taking into consideration the nature of injury he was referred to PGI Hospital, Chandigarh, but, was shifted to Government Medical College and Hospital, Sector 32, Chandigarh. He remained as

an indoor patient w.e.f. 15.11.2007 to 29.12.2007 and was operated on 27.11.2007 for stomach injury. Considering the nature of injury, learned Tribunal has awarded ₹ 15,000/- on account of pain and suffering whereas ₹ 9,000/- has been awarded on account of loss of income and ₹ 10,000/- towards special diet, conveyance and attendant charges.

Learned counsel for the appellant has argued that compensation so awarded is on the lower side as the appellant had to remain in hospital for such a long time and a surgery was conducted on his abdomen.

Learned counsel for the Insurance Company has justified the award and argued that the appellant has been adequately compensated.

Heard learned counsel for the parties.

It is an admitted case of the parties that the appellant remained in hospital for almost one and a half month i.e. 05.11.2007 to 29.12.2007. The accident had taken place in Kurukshetra and it being a case of serious injury, the injured was referred to PGI, Chandigarh though he was taken to GMCH, Sector 32 Hospital. He remained admitted in hospital for such a long time for which one can safely conclude that the injury suffered by the claimant was quite serious. Therefore, this Court finds that the award dated 08.01.2010 is required to be modified with an addition under the head of pain and suffering, loss of income, special diet, conveyance and attendant charges.

Accordingly, the appellant held is entitled for an additional amount of ₹ 10,000/- under the head of pain and suffering, ₹ 9,000/- towards loss of income and ₹ 10,000/- on account of special diet, conveyance and attendant charges.

The addition in loss of income is being made for the reason that for such a serious injury, no normal person would resume his work immediately after three months of surgery. For recovery from such like

injury, atleast 6 month period would be required.

In this manner, the award passed by the Tribunal is modified with an enhancement of ₹29,000/- over and above the compensation already awarded by the Tribunal.

The appeal stands disposed of.

(HARI PAL VERMA)
JUDGE

16.02.2017

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Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No