

In the High Court of Punjab and Haryana at Chandigarh

FAO- 4594 of 2012(O&M)

Date of Decision: 24.8.2017

Sona Ram

---Appellant

versus

M/s Chemical and Allied Products and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ashish Gupta, Advocate
for the appellant

Mr. Sunil Dhanda, Advocate,
for Mr. Rajesh Lamba, Advocate
for respondent Nos 1 and 2

Mr. Rishav Jain, Advocate
for the insurance company

Rekha Mittal, J.

The injured-victim is in appeal seeking enhancement of compensation on account of injuries sustained by him in a motor vehicular accident that took place on 13.8.2008.

The Motor Accidents Claims Tribunal, Nuh (hereinafter to be referred to as “the Tribunal”) awarded an amount of Rs. 8,000/- qua expenses on treatment, transportation and diet. Another amount of Rs. 5000/- has been allowed on account of pain and sufferings making total compensation to Rs. 13,000/-, payable with interest.

Counsel for the appellant has submitted that the injured-victim sustained injury on his head and 16 stitches were given on his head to stitch

the wound. He remained hospitalized for a period of three days from 13.8.2008 to 15.8.2008. It is argued that compensation assessed by the Tribunal is inadequate and needs enhancement.

Counsel representing the insurance company has supported the award with the submission that the Tribunal has assessed compensation on a detailed consideration of the materials on record.

I have heard counsel for the parties, perused the paper book particularly the award dated 1.3.2012.

Indisputably, the claimant sustained injury in a motor vehicular accident and remained hospitalized for about three days. He has not suffered any disability on account of sustaining injury in the occurrence. He has not examined any doctor to prove nature of injuries and treatment given to him. However, there is no challenge to his statement that he received head injury and 16 stitches were applied. Taking into consideration the entire scenario, interests of justice would be served if the claimant is awarded additional amount of Rs. 7500/- for loss of income, transportation, special diet and services of an attendant. The additional amount shall be payable with interest at the rate of 6% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

24.8.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No