

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

FAO No. 736 of 2012 (O&M)
Date of Decision: December 07, 2017

Vijay Kumar

...Appellant

Versus

Devi Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Kamal Mor, Advocate
for the appellant.

Mr. V. Ramswaroop, Advocate
for respondent no.3.

ANITA CHAUDHRY, J.

This is the claimant's appeal seeking enhancement in the award dated 05.10.2011, passed by the Motor Accident Claims Tribunal, Panipat (hereinafter to be referred as the Tribunal).

Vijay Kumar met with an accident in June 2010. He was admitted in the hospital twice and for a period of 13 days on two occasions. He had suffered fracture of right tibia and fibula and was operated upon on 08.05.2010. The claimant was stated to be working as a cloth merchant. The medical officers had found that there was temporary disability to the extent of 6% as the knee movement was restricted but it was noted that it was in the process of union. The Tribunal had allowed Rs.1,88,670/- which included Rs.1,52,670/- i.e. cost of medicines and treatment.

The submission on behalf of the appellant is that the amount allowed was not adequate and the loss of income given was only Rs.8,000/- and he was entitled to separate amount for the attendant, transportation and disability.

The Tribunal had noted that there was no loss of future income as the disability was temporary and with time it would have healed. The claimant did not get any other assessment made and therefore, the claimant was not entitled to any amount for loss of income due to the disability but I find that some amount should be added on number of heads which the Tribunal had failed to award and enhance on some heads. I would add the following:-

Sr. No.	Head of Compensation	Amount
1.	Transportation	Rs.5,000/- (more)
2.	Physiotherapy (Rs. 3000 x 4)	Rs.12,000/-
3.	Pain and suffering	Rs.10,000/- (more)
4.	Special diet	Rs.5,000/-
5.	Attendant charges (Rs. 3000 x 4)	Rs.12,000/- (more)

The total of this comes to Rs. 44,000/-. This is the additional amount which would be payable to the appellant by the insurance company with interest @ 6% from the date of filing of appeal till realization.

The appeal is partly allowed.

December 07, 2017

sunil

(ANITA CHAUDHRY)
JUDGE

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