

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

FAO No.3145 of 2013

Date of decision: February 07, 2017

Anil

... Appellant

Versus

Ajmer Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Parveen Sharma, Advocate for the appellant.

Mr. Naveen Mandhan, Advocate for
Mr. Pankaj Bali, Advocate for respondent No.1.

Mr. Satpal Dhamija, Advocate for respondent No.3.

Rajan Gupta, J.

Claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, loss of income, transportation, special diet etc. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads separately.

Learned counsel for respondent No.3 Insurance Company submits that adequate compensation has been awarded for the injuries suffered by the appellant.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 15.4.2011, in which appellant suffered injuries. The tribunal held that accident had taken place on account of rash and negligent driving of the offending vehicle i.e. truck No.HR-46B-8624, driven by respondent No.1. As a result of said accident, appellant suffered injuries on various parts of his body including fractures in both legs and he was also operated upon and remained under treatment in various hospitals. He also suffered 15% permanent disability. The tribunal granted compensation to the appellant as under:-

Head		Amount
Treatment including medicines	:	₹3,15,659/-
Disability	:	₹ 15,000/-
Loss of work/income	:	₹ 10,000/-
Pain and suffering	:	₹ 10,000/-
Transportation, special diet, future expenses etc.	:	₹ 2,000/-
Total:	:	₹3,52,659/- or ₹3,52,700/-

Admittedly, appellant got treatment from various hospitals including Maharaja Aggarsain Hospital, Delhi, where his both legs were operated upon for left tibia and left femur lower end regarding fractures. As per disability certificate, he suffered 15% disability. In my considered view, compensation granted for pain and suffering as well as loss of income are on the lower side. So, appellant would be entitled to another sum of ₹40,000/- for pain and suffering and ₹40,000/- for loss of income. Further the tribunal has granted only ₹2000/- for transportation, special

diet, future expenses etc. Thus, appellant would also be entitled to another sum of ₹20,000/- under these heads. In this way, the total enhanced compensation comes to ₹1,00,000/-. The appellant would also be entitled to interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till payment. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

February 07, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No