

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

**FAO No. 2265 of 2014 (O&M)  
Decided on:17.07.2017**

**Yash Pal**

**.....Appellant**

**versus**

**Miyan Singh and others**

**.....Respondents**

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

**Present:** Mr. Chander Pal Tiwari, Advocate,  
for the appellant.

Mr. V.K. Garg, Advocate  
for respondent No. 4.

**Rajbir Sehrawat, J.(Oral)**

This is an appeal filed by the injured claimant for an enhancement of the compensation against the award dated 20-10-2013 passed by Motor Accidents Claim Tribunal whereby the claimant/appellant was granted a compensation of ₹75,000/- for the injuries suffered by him in the accident in question.

The facts as claimed by the appellant claimant are that on 11-04-2012 he was going on a motorcycle from village Kheri-Lamba towards his village Songal. At about 7:30 PM when he reached near village Batta the offending Truck bearing registration number HR-55-J-2841 came from the opposite side; being driven by the respondent in rash and negligent manner and struck against the Motorcycle being driven by the appellant-claimant. Therefore the accident took place in which the claimant sustained multiple injuries including the injuries on vital parts like Chest and the Knee. When informed; the brother-in-law of the claimant had first taken him to the General Hospital Kaithal where his MLR was prepared. However

keeping in view the seriousness of the injuries suffered by him the claimant was taken to Dr. N. C. Jindal, Institute of Medical Care and Research Centre, Model Town Hisar. There he was admitted as an indoor patient and was operated upon. In fact he was operated upon twice. In the first stint he was admitted in hospital on 20-07-2012 and operated upon on 22-07-2012 and he was discharged from the hospital on 25-07-2012. In the second stint he was admitted to the hospital on 29-11-2012 and he was operated upon and was discharged from the hospital on 05-12-2012. It is claimed that he was advised 6 weeks rest by the doctor.

After completion of the pleadings the parties led their respective evidence and after considering and appreciating the same Motor Accident Claims Tribunal Hisar awarded compensation of ₹75,000/- to the appellant claimant. The amount of compensation was awarded ₹45,000/- for Medicines etc., ₹15,000/- as compensation for pain and suffering. Compensation on account of special diet was ₹15,000/-. Aggrieved of this the claimant has filed the present appeal for enhancement of the compensation.

Ld. Counsel appearing for the appellant has argued that the Ld. MACT Kaithal has wrongly restricted the compensation to bills of medicine which were taken for the period when the appellant was an indoor patient during the treatment. He has further submitted that the medicines were required during the follow-up treatment also and the bills for the same were duly produced before the Tribal. However the bills have been wrongly discarded by the Tribunal on the ground that these bills do not have the name of the doctor prescribing the medicine. He has further submitted that he has not been granted any compensation on account of transportation

although it is an admitted fact that he had to be operated upon twice. He further submits that he has not been granted any amount on account of services of attendant. He further submits that the amount of ₹15,000/- awarded for pain and suffering is too less insufficient.

A perusal of the award passed by the planet Tribunal shows that it has excluded the bill is Ex. P22 to Ex. P29 on the ground that these bills do not bear the name of any doctor who might have prescribed the medicines purchased through these bills. However a perusal of these bills shows, as claimed by the claimant, that the name of the prescribing doctor is duly mentioned on these bills as well. Therefore there does not appear to be any justification for excluding these bills when the tribunal is granting compensation for other bills having the names of the prescribing doctors on them. Similarly the bills Ex.P3 to Ex. P12, Ex. the Ex.P19, Ex. P37, Ex. P 41, Ex. P43 to Ex. P46 also bear the name of either the doctor or the hospital prescribing these medicines. Accordingly the compensation on account of having bills Ex. P 22 to the 29 which amounts to ₹27,791/- and for the remaining bills which amounts to ₹28,500/- has also to be granted to the claimant appellant.

Otherwise also the appellant is entitled to the compensation for these bills. It is an admitted fact that the appellant had got injuries on Chest and knee, therefore, he had to be operated upon twice and he was also advised 6 weeks of rest by the doctor. It makes clear that compensation cannot be restricted to those bills only which were incurred by the claimant when he was an indoor patient. One cannot resume that a person gets fully healthy and recovers fully moment he steps out of the Hospital where he was admitted as a indoor patient. The Doctors prescribe the follow-up

treatment also, as was done in the present case also. Therefore there is no justification for excluding the bills for the medicines which were taken by the appellant-claimant during the follow-up treatment.

As stated above the appellant was operated upon twice and therefore he would have definitely incurred expenses on transport to and from the hospital due to seriousness of the injuries resulting into two operations. Therefore he has to be granted some amount of compensation as transport expenses also. As per the prevalent rates an amount of Rs. 15,000/- appears to be justified on this account. Still further it has come on record that the doctor had prescribed the bed-rest to the claimant appellant for at least 6 weeks. Hence during this duration he would definitely required the services of an attendant. Therefore taking into consideration this fact appellant is entitled and is granted an amount of Rs. 15,000/- in view of services of attendant as well. So far as the pain and suffering is concerned, it is the appellant only who could feel the pain and suffering of the injuries and of two operations, however when the same is to be quantified in terms of money then it becomes clear that the amount of Rs. 15,000/- granted to the appellant on this count is grossly inadequate. Therefore this amount is also enhanced to ₹ 30,000/-.

Accordingly the present appeal is allowed and the appellant is granted the compensation as follows:-

|   |                                                    |             |
|---|----------------------------------------------------|-------------|
| 1 | Compensation on account of Treatment and Medicines |             |
|   | 45000/+27791+28500                                 | = 101,291/- |
| 2 | Compensation for Pain and Suffering                | = 30,000/-  |
| 3 | Compensation for Special Diet                      | = 15,000/-  |
| 4 | Compensation for Transportation charges            | = 15,000/-  |

5 Compensation for service of attendance = 15,000/-

**TOTAL** = 1,76,291/-

This amount is rounded off to ₹ 1,76,500/- only.

Hence a total of ₹ 1,76,500/- is awarded as compensation. The interest thereon shall be as awarded by the MACT in its award. The appeal is allowed and the award is modified in the above-said terms.

**17<sup>th</sup> July, 2017**

Shivani Kaushik

**[RAJBIR SEHRAWAT]  
JUDGE**