

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

FAO-3885-2013 (O&M)
Date of decision: 15.12.2017

KOMALPREET

...Appellant

Versus

PARAMVIR SINGH & ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Balwinder Singh, Advocate for
Mr. Rakesh Gupta, Advocate
for the appellant.

Mr. Amit Gupta, Advocate
for respondents No.1 and 2.

Mr. Rahul Pathania, Advocate for
Mr. R.C. Kapoor, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The injured victim is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 04.06.2008.

The Tribunal has awarded compensation to the tune of Rs.45,000/-, detailed hereunder:-

1. Physical and mental suffering	Rs.25,000/-
2. Attendant charges	Rs.6000/-
3. Special diet	Rs.4000/-
4. Approximate expenses on follow up treatment	Rs.10,000/-

Counsel for the appellant would contend that as the injured

victim remained hospitalised for a period of 53 days, compensation awarded by the Tribunal for attendant charges and special diet needs to be enhanced. It is further argued that in view of the period of hospitalization of the child, compensation is liable to be assessed with regard to inconvenience and loss of income of parents of the victim. In this context, reference has been made to judgment of Hon'ble the Supreme Court **Master Mallikarjun Vs. Divisional Manager, The National Insurance Co. Ltd. and another, 2013(4) RCR (Civil) 295.**

Counsel representing the insurance company, on the contrary, would urge that the claimant has failed to produce on record original medical bills nor examined any doctor to prove nature of injury and treatment given in the hospital. It is further submitted that compensation assessed by the Tribunal is adequate and does not warrant enhancement.

The minor child has not suffered any disability due to sustaining of injuries in the occurrence. However, the child remained admitted in the hospital from 04.06.2009 to 27.07.2009 for a period of 53 days. In **Master Mallikarjun's case (supra)**, the child remained hospitalised for a period of 58 days though he suffered disability of permanent nature of right lower limb. Taking guidance from the referred authority coupled with the period of hospitalisation of the child, sum of Rs.15,000/- is awarded qua discomfort, inconvenience and loss of earnings of parents during the period of hospitalisation of the child. The additional amount i.e. Rs.15,000/- shall carry interest @7.5% per annum from the date

of petition till realization.

The appeal is partly allowed in the aforesaid terms.

15.12.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No