

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4025-2013 (O & M)

Date of decision: 03.05.2017

Balwinder Kumar

.... Appellant

V/s

Jaspal Singh and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vikram Anand, Advocate, for the appellant.

Mr. C.S. Sharma, Advocate, for respondent No.1.

Mr. Lalit Garg, Advocate, for respondent No.3-Insurance co.

Rajan Gupta, J. (Oral)

Appellant/claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant has submitted that tribunal has erred in not granting adequate compensation under usual heads like medical treatment, pain and suffering and loss of income. Besides, no amount has been granted on account of special diet. He, thus, submits that reasonable amount may be granted to the appellant under various heads separately.

Learned counsel for the respondent No.3 insurance company has submitted that adequate compensation has been awarded on account of 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

22.07.2011, wherein appellant suffered injuries on various parts of his body. Admittedly, accident took place due to rash and negligent driving of respondent No.1 driver of the offending car. Appellant suffered multiple injuries. The tribunal keeping in view statements of doctors, granted Rs.4,660/- to the appellant on account of his medical treatment, Rs.6,000/- for pain and suffering and Rs.4,000/- for loss of income. Thus, a total compensation of Rs.14,660/- has been awarded to the appellant. He has also been granted interest @ 6% per annum from the date of award till its realization.

I am of the considered view that compensation granted on account of pain and suffering and loss of income have been granted on the lower side. Further, the Tribunal has not granted any amount towards special diet. So, in my considered view, the appellant would be entitled to another sum of Rs.6,000/- towards pain and suffering, Rs.6,000/- for loss of income. The appellant would also be entitled to another amount of Rs.3,000/- for special diet. In this way, the total enhanced compensation would come to Rs.15,000/-. The appellants would also be entitled to interest as awarded by the Tribunal. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

(RAJAN GUPTA)
JUDGE

May 03, 2017
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No