

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

**FAO No.3331 of 2014 (O&M)
Date of Decision: 13.12.2017**

Sohan Singh and another

...Appellant(s)

Versus

Jassa Singh

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. G.K. Mann, Advocate
for the appellants.

ANITA CHAUDHRY, J.

The owner and driver have challenged the award passed in favour of the claimants.

Notice had been given to respondent No.1 but no one appears.

Record has been received.

Jassa Singh was 27 years old when he suffered injuries in an accident in July 2013. He was a skilled worker and had suffered fracture of the right arm, fracture of right thumb, fracture of right leg, right knee joint and of the right hip joint besides other injuries referred to in the claim the petition. The claimant had pleaded that he remained admitted in the hospital for 12 days in all twice and instrument 'L' was implanted in the right hip joint and he had suffered 8 stitches on the head. It was claimed that he had spent Rs.3,00,000/- on his treatment, transportation, medicines and tests etc. The claimant was only able to give bills of Rs.11,089/-. The treatment record from Guru Nanak Dev Hospital, Amritsar was

placed on record but unfortunately the claimant did not examine the Medical Officer nor had produced the X-ray report. The Tribunal noted the bills and the injuries noted in the discharge summary which referred to the number of fractures. It also noted that physiotherapy has been advised and he was called for review. A meager amount of Rs.2,61,089/- was allowed. The Tribunal failed to award any amount separately for transportation, attendant and loss of income etc.

The owner and driver have filed the appeal and have challenged the quantum. The submission on behalf of the appellants is that the claimant did not suffer any permanent disability and the Court had wrongly assessed the income at Rs.5,695/- per month when there was no evidence and the amount allowed to the claimant was on the higher side.

I am unable to agree with the submissions made on behalf of the appellants. The claimant had suffered five fractures which included the right hip joint. His leg and knee were fractured and he received stitches on the head. Unfortunately, the claimant did not summon the medical officer may be for want of resources or for want of correct legal advice. The amount cannot be said to be on the higher side. A lumpsum amount had been awarded to the claimant. It is not a case for reduction. The appeal is dismissed.

December 13, 2017*ps-/***Whether Reasoned/Speaking****Whether Reportable****(ANITA CHAUDHRY)
JUDGE****Yes/No****Yes/No**