

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

FAO No. 4971 of 2014 (O&M)
Date of Decision: July 17, 2017

Ramesh Kumar

..Appellant(s)

Versus

Babu Lal and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.S. Sangwan, Advocate
for the appellant.

Mr. J.P. Sharma, Advocate
for respondent no.1.

Mr. Harsh Aggarwal, Advocate and
Mr. Aseem Aggarwal, Advocate
for respondent no.2.

ANITA CHAUDHRY, J.

CM No.13999-CII-2014

For the reasons set out in the application, same is allowed
as prayed for and delay of 182 days in filing the appeal is condoned.

FAO No. 4971 of 2014

This is the claimants appeal seeking enhancement in the
award dated 24.05.2013, passed by the Motor Accident Claims
Tribunal, Narnaul.

Ramesh Kumar was working as a mason. He met with an accident on 21.06.2011. He remained in the hospital for 8 days. He produced bills to show that he had spent Rs.35,140/- on the medicines. He had suffered a fracture of the index finger. His income was taken as Rs.4,888/- per month i.e. the minimum wages which a labourer could earn in the year 2011–2012. The following amount was allowed to him:-

Sr. No.	Head of Compensation	Amount
1.	Medical Expenses	Rs.4,000/-
2.	Pain and suffering	Rs.3,000/-
3.	Special diet	Rs.2,000/-
4.	Transportation	Rs.1,000/-
5.	Loss of income	Rs.1,000/-

The counsel for the appellant submits that the claimant had suffered injury on the head and he had taken treatment from the neuro-surgeon and he had been operated. Counsel further submits that amount awarded for the transportation is less. The counsel further contends that the CT scan would show that there was injury on the brain and he has become disabled.

The submission on the other hand is that no doctor had come forward to say that the brain had been affected and merely producing the reports was not enough.

The claimant had appeared in the Court to make a statement which shows that he was in a condition to make a statement. No Medical Officer has been examined to show that the injury had led

to any retardation. The Medical Officers had referred the claimant to a higher hospital i.e. PGI, Rohtak but the claimant was taken to Jaipur and the discharge slip shows that the patient was disoriented and drowsy when he was admitted in the hospital. His speech was irrelevant and there was a contusion in the brain. Unfortunately the claimant has not been able to lead any evidence to show how it had affected him. However, the follow-up receipts show that there were episodes of anger outburst and he had been visiting the hospital for over six months. The amount allowed to him is on the lower side.

The Tribunal had assessed the income to be Rs.4,888/- per month but allowed Rs.1,000/- only as the admission was only for few days. I would make the following additions:-

Sr. No.	Head of Compensation	Amount
1.	Loss of income for 4 months (Rs.4888/- x 4)	Rs.19,552/-
2.	Attendant Charges (Rs.3,000/- x 4)	Rs.12,000/-
3.	Transportation (additional)	Rs.15,000/-
4.	Pain and suffering (more)	Rs.15,000/-
	TOTAL	Rs.61,552/-

The Tribunal had allowed Rs.11,000/-, which would be deducted and the remaining amount would be paid with interest @ 6% from February, 2014 till realization.

The appeal is partly allowed.

July 17, 2017

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No