

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

FAO No. 5877 of 2013(O&M)

Date of decision: 27.7.2017

Shashi Bhushan

....Appellant

VERSUS

Dharamveer and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Chanderhas Yadav, Advocate for the appellant.

Ms. Sonia Rani, Advocate for
Mr. S.K. Yadav, Advocate for respondents No.1 and 2.

Mr. R.K. Bashamboo, Advocate for respondent No.3.

REKHA MITTAL, J.(Oral)

The injured/claimant is in appeal seeking enhancement of compensation in regard to injuries sustained by him in a motor vehicular accident on 09.12.2012.

The Motor Accidents Claims Tribunal, Narnaul (in short 'the Tribunal') has awarded a consolidated amount of Rs.25,000/- towards pain and suffering, transportation, expenses on special diet and medicines from outside hospital.

Counsel for the appellant would submit that compensation assessed by the Tribunal is on lower side and liable to be enhanced. It is further submitted that due to sustaining injury i.e. fracture right zygomatic comple/with B/L parasymphysis (mandible), the appellant has suffered miserably.

Counsel representing the insurance company has supported the award with the submission that the Tribunal has rightly negated claim of the appellant for compensation qua loss of income either due to medical treatment or absence from duty as his treatment at Base Hospital, Delhi Cantt. was free of cost and he failed to produce any document that during the period of treatment, he was not paid salary by his employer.

I have heard counsel for the parties, perused the paper-book particularly the award passed by the Tribunal.

The appellant met with an accident on 09.12.2012 and was discharged from Base Hospital, Delhi Cantt. on 20.12.2012. Indisputably, he suffered fracture right zygomatic comple/with B/L parasymphysis (mandible) and was operated upon.

Taking into consideration the nature of injuries sustained, period of confinement in the hospital and the fact that the appellant had to undergo operation, compensation awarded by the Tribunal is enhanced to Rs.50,000/- towards pain and suffering, transportation, expenses on special diet etc. The enhanced amount of Rs.25,000/- shall be payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

JULY 27, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no