

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1096 of 2017 (O&M)
Date of decision: 20.02.2017

National Insurance Co. Ltd. ... Appellant
versus
Rajpal and others Respondents

CORAM: HON’BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Suvir Dewan, Advocate for the appellant.

HARI PAL VERMA, J. (ORAL)

The appellant-Insurance Company has filed the present appeal against the award dated 06.10.2016 passed by the Motor Accident Claims Tribunal, Jhajjar (in short 'Tribunal') whereby the respondents-claimants have been awarded an amount of Rs. 2, 24, 242/- along with interest @ 7.5% per annum on account of injury suffered by respondent Rajpal in a motor vehicle accident which took place on 21.08.2014. The Tribunal has awarded compensation of Rs. 2,24, 242/- under the following heads:

Sr. No.	Heads of Compensation	Amount
A.	Loss of Income	Rs. (6000/- x 6 months) = Rs. 36,000/-
B.	Treatment	Rs. 34,242/- (as per Ex.P8)
C.	Pain & Suffering	Rs. 1,00,000/-
D.	Attendant Charges, Transportation Charges, Special Diet etc.	Rs. 50,000/-
E.	Disability 4%	Rs. 4,000/- (in lump sum)

Learned counsel for the appellant has argued that as per the statement of Dr. Parmender, Orthopaedic Surgeon, Civil Hospital, Jhajjar, the respondent-claimant suffered a temporary disability of 4% on account of fracture of both bones of right leg and fracture medial

malleous with restriction of movements of right ankle, but, the Tribunal has awarded Rs. 1,00,000/-on account of pain and sufferings and Rs. 50,000/- for attendant charges, transportation and special diet. Though the injured remained admitted Jeevan Jyoti Hospital, Bahadurgarh, District Jhajjar for about a week, i.e. From 21.08.2014 to 29.08.2014. In this manner, the awarded compensation is on higher side and in any case the amount granted under the head of pain and suffering, attendant charges, transportation and special diet is on higher side.

I have heard learned counsel for the appellant.

Considering the nature of injuries and the disability suffered by the claimant-respondent, it cannot be said that the amount of compensation granted under the heads of pain and suffering, attendant charges, transportation and special diet are on higher side. The injured remained in hospital for about a week and as on date the treatment in the private hospitals is quite costly. This Court does not find any illegality in the order passed by the Tribunal.

The instant appeal is dismissed with the above observations.

(HARI PAL VERMA)
JUDGE

20.02.2017

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Whether speaking/non-speaking: Yes/No
Whether reportable : Yes/No