

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1290 of 1993 (O&M)
Date of decision:21.09.2018.

Jagdish Rai

...Appellant

Versus

Joginder Singh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mukesh Verma, Advocate for
Mr. Raj Kumar Gupta, Advocate for the appellant.

None for respondents No.1 and 2.

Mr. Vijay Kumar Garg, Advocate for respondent No.3/Insurance
Company

LISA GILL, J.

Learned counsel for the appellant and respondent No.3/Insurance Company submit that liability of the Insurance Company is not in dispute. Therefore, impleading of legal representatives of respondent No.1 be dispensed with.

Ordered accordingly.

This appeal has been filed by the claimant seeking enhancement of the compensation awarded to him by the learned Motor Accident Claims Tribunal, Jind ('Tribunal' for short) vide award dated 11.05.1993 on account of the injuries suffered by him in a motor vehicle accident which took place on 31.01.1992.

Brief facts necessary for adjudication of the case are that a petition under Section 166 of Motor Vehicles Act was preferred by the appellant seeking compensation on account of the injuries suffered by him in a motor vehicle accident which took place on 31.01.1992. The appellant received multiple grievous injuries and was initially admitted to Civil Hospital,

Jind and thereafter referred to Medical College and Hospital, Rohtak for treatment. FIR under Section 279 and 337 IPC was registered against respondent No.1-driver of the offending vehicle.

The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of offending vehicle by respondent No.1. There is no dispute regarding the above said finding of the learned Tribunal, which has attained finality.

The learned Tribunal awarded compensation of Rs.5000/- for pain and suffering, Rs.40,000/- towards medical expenses and Rs.5000/- for future medical treatment. Thus, total compensation of Rs.50,000/- was awarded. The present appeal has been filed seeking enhancement of the aforesaid compensation.

Learned counsel for the appellant argues that the appellant placed on record medical bills amounting to nearly Rs.50,000/- though much more was spent on medical expenses. It was not possible to retain all the bills etc. Learned Tribunal has awarded only a sum of Rs.40,000/- towards medical expenses. A meagre amount has been awarded on account of pain and suffering and nothing whatsoever has been awarded on account of attendant charges and special diet. It is thus prayed that compensation awarded to the appellant be enhanced.

Learned counsel for respondent No.3—Insurance Company submits that the compensation awarded by the learned Tribunal is reasonable as per the evidence on record and calls for no enhancement.

I have heard learned counsel for the parties and have gone through the file.

The appellant has indeed proved the medical bills amounting to nearly Rs.50,000/-. In respect to the medical expenses incurred, Ex.P6 to

P13 are the payment vouchers amounting to Rs.31613/-, payment slip of Rs.16500 of Delhi Scan Research Centre is also placed on record. Thus, it is considered appropriate to award a sum of Rs.50,000/- on account of expenses incurred on medical treatment. The appellant is entitled to a sum of Rs.20,000/- for pain and suffering instead of Rs.5,000/-. There is no rebuttal to the evidence that appellant was running a shop at Hansi Road, Jind. The appellant had suffered fracture of his ribs, injuries on the chest, left eye, his jaw was fractured and numbers of other injuries were received. It would not be possible for the claimant to look after his shop for at least three months. Thus, the appellant is entitled to loss of income at Rs.2000/- per month i.e. Rs.6000/-. The appellant is also entitled to attendant charges and compensation on account of special diet to the tune of Rs.10,000/-. Compensation awarded on account of future medical treatment is enhanced from Rs.5000/- to Rs.10000/-

Appellant is, thus, entitled to compensation detailed as under:-

Sr.No.	Heads of Claim	Amount
1.	Pain and suffering	Rs.20,000/-
2.	Medical expenses	Rs.50,000
3.	For future medical treatment	Rs.10000/-
4.	Special diet and attendant charges	Rs.10000/-
5.	Loss of income for three months	Rs.6000/-
Grand Total		Rs.96,000/-

Amount already awarded by the Tribunal to the appellant/claimant under various heads shall stand deducted from the amount of compensation reworked as above. Claimant shall be entitled to interest at the rate of 7.5% per annum on the enhanced amount from the date of filing of petition till realization.

With the abovesaid modification in the amount of compensation,
present appeal is disposed of.

(LISA GILL)
JUDGE

September 21, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No