

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2462 of 1997
Date of Decision : 17.12.2018

Raghbir SinghAppellant

Versus

Dana Ram and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Mani Ram Verma , Advocate
for the appellant.

Mr. Ashwani Talwar, Advocate
for respondent no. 2-Insurance Company.

Surinder Gupta, J.

This is appeal by the appellant against award dated 01.04.1997 passed by the Motor Accident Claims Tribunal, Bhiwani (later referred to as ‘the Tribunal’) whereby he was awarded compensation of ₹30000/- for the injuries suffered by him in a motor vehicle accident with truck bearing registration no. RJV-5187 (later referred to as ‘the offending vehicle’). The Tribunal awarded the compensation as follows:-

<i>Sr.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Medical expenses	₹3000
(ii)	Compensation for pain and suffering	₹5000
(iii)	Compensation for 15% permanent disability	₹22000
<i>Total</i>		₹30000

2. As the appellant is seeking enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. Learned counsel for the appellant has argued that the appellant remained admitted in hospital for about 30 days and had also suffered 30% disability. He remained on bed for a considerable long time but the Tribunal

has not allowed any compensation for the loss of income or for the loss of future avenues.

4. The appellant was driver in Haryana Roadways and was driving bus bearing registration no. HNB-3012. At the time of accident, he was taking the bus from Bhiwani to Pilani and near curve of canal bridge over Loharu road, the offending vehicle, which was being driven by respondent no. 1 in a rash and negligent manner hit the bus resulting in multiple injuries to the appellant. After the accident he was removed from his post and was given light job by the department. He remained admitted in the hospital for about 30 days and was operated there. The documents on file Mark 'A' & Mark 'B' and Ex. P-2 show that he remained admitted in General Hospital, Bhiwani from 12.02.1993 to 01.03.1993 and with Dr. S.C. Batra from 17.06.1993 to 28.06.1993. He produced medical bills of ₹2600/- on file and the Tribunal allowed compensation of ₹3000/- on this score. Under the head of pain and suffering, he was awarded compensation of ₹5000/-. As per disability certificate (Ex. P-46), the appellant had suffered 15% disability due to restriction of movement of right knee joints. While appearing as PW-1, the appellant has stated that he remained on leave for 3½ months after the accident. PW-3 Jai Singh, who was conductor on the bus, has stated that after the accident the appellant was given light duty and had suffered loss of income he was earning by doing overtime duty and travelling allowance. The Tribunal has not allowed any compensation to the appellant for the loss of income due to disability suffered by him.

5. Though, no evidence has come on record to prove income, which the appellant was drawing at the time of accident but keeping in view

the fact that the accident had taken place in the year 1993 and a lump sum amount of ₹6000/- is allowed to the appellant for the loss of income for the period he had to take leave. The Tribunal has not allowed any compensation towards attendant charges, travelling allowances and loss of future prospects to the appellant. A lump sum amount of ₹24000/- is assessed under these heads. The compensation allowed by the Tribunal under the head of pain and suffering and for permanent disability calls for no interference.

6. As a sequel of my above discussion, the compensation awarded to the appellant is enhanced to ₹60,000/-. The enhanced amount of compensation will carry interest 7.5% per annum from the date of filing of this appeal till actual realization. The payment of enhanced amount of compensation will be as per award.

7. Respondent no. 1 has filed cross-objections (XOBJC-26-CII-1998) alongwith applications but none has appeared on behalf of cross-objectors, as such, the same are dismissed due to non-appearance of cross-objector or his counsel.

December 17, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No