

In the High Court of Punjab and Haryana at Chandigarh

**FAO No. 2075 of 1999(O&M)
Date of Decision: 4.5.2018**

Dr.Vir Vikram Singh

---Appellant

versus

Baljit Singh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.N.K.Malhotra, Advocate
for the appellant
Mr. Anshuman Dalal, Advocate,
for respondent No. 1
Mr. Suman Jain, Advocate
and Mr. Garvit Kalra, Advocate
for respondent No. 2

Rekha Mittal, J.

Dr.Vir Vikram Singh, injured is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 30.7.1997.

The Motor Accidents Claims Tribunal, Rohtak (in short “the Tribunal”) has awarded compensation of Rs.10,000/-.

Counsel for the appellant would urge that compensation assessed by the Tribunal is on lower side and needs enhancement by payment of compensation qua pain and suffering, loss of income and medical expenses.

Counsel representing the insurance company has supported assessment made by the Tribunal.

The injured appeared in the witness box and stated that he

suffered fracture of right wrist and muscular strain of left leg. He was removed to PGI MS, Rohtak where his right hand was put under plaster for six weeks. He spent Rs. 5000-6000/- on his treatment. There is restriction of movement of right hand wrist and occasional pain in the left leg. He could not join his classes for 13 days.

The injured was PG student of PGI MS, Rohtak and he was treated in the same hospital for sustaining injuries. Counsel for the appellant before the Tribunal tendered into evidence certificate from Sanjay Gandhi Memorial Hospital, Delhi marked as exhibit qua loss of income to the tune of approximately Rs. 2000/- in the month of August 1997. Statement of Vir Vikram Singh is conspicuously silent if he was working with Sanjay Gandhi Memorial Hospital, Delhi and suffered loss of income due to sustaining of injuries. On the contrary, he has stated that he could not attend his classes for 13 days due to sustaining of injuries as he was PG student in PGI MS, Rohtak.

Taking into consideration nature of injuries sustained and treatment given to him i.e. plaster was put on his right hand for six weeks, interest of justice would be served if claimant is allowed additional amount of Rs. 10,000/- qua pain and suffering with interest @ 6% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

4.5.2018
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No