

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2800 of 1999
Date of Decision : 21.02.2018

Hari Shanker

....Appellant

Versus

Rameshwar and others

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amar Singh, Advocate
for Mr. Anil Shukla, Advocate
for the appellant.

Mr. R.N. Singal, Advocate
for respondent no. 3-Insurance Company.

Surinder Gupta, J.

Appellant-Hari Shankar seeks enhancement of compensation for injuries suffered by him on 12.08.1995 in a motor vehicle accident with bus bearing registration no. HR-38-6126 (later referred to as 'the offending vehicle'), which was owned by respondent no.2-Banshi Lal and insured with respondent no. 3-New India Assurance Company Ltd. The Motor Accident Claims Tribunal, Faridabad (later referred to as 'the Tribunal') awarded compensation of ₹10,000/-, which include medical bills, proved on file, of ₹5283/- and remaining amount out of ₹10,000/- was awarded for loss of income, pain and suffering.

2. After the accident, claimant was taken to Escort Hospital and Research Centre, Faridabad, where he remained admitted from 12.08.1995 to 18.08.1995. PW-1 James, Senior Medical Officer has proved discharge certificate of claimant as Ex. P-1 and hospital bills of ₹5229/-. At the time of admission in the hospital, claimant was bleeding from nose and was having multiple abrasions. He was treated conservatively. He was suffering

from fracture right frontal bone and left occipital bone region. This shows that claimant, who was 37 years of age at the time of accident, had to take complete rest for at least 6 to 8 weeks. He also required special diet, services of attendant etc. but the Tribunal has not allowed any compensation on these scores. A lump sum compensation of ₹4717/- awarded for loss of income, pain and suffering is on lower side.

3. Keeping in view the fact that the accident had taken place in the year 1995 and taking income of claimant as ₹1500/- per month, compensation to which claimant is entitled is reassessed as follows:-

<i>Sr.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of claimant-Injured	Hari Shanker
(ii)	Compensation towards medical bills	₹5229 (rounded off to ₹5300)
(iii)	Compensation towards loss of income	₹3000
(iv)	Compensation for pain and suffering	₹2500
(v)	Compensation for special diet	₹2000
(vi)	Expenses for attendant and transportation	₹2500
(vii)	Expenses for future medical expenses and physiotherapy	₹1000
<i>Total</i>		₹16300

4. As a sequel of my above discussion, the instant appeal is accepted and the award of the Tribunal is modified and the amount of compensation is enhanced from ₹10,000/- to ₹16,300/- for the injuries suffered by claimant-appellant. The above amount will carry interest 7% per annum from the date of filing of this appeal till actual realization.

February 21, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No