

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

Date of decision : 16.10.2018

1.

FAO-4271-2003

Vinod Kumar

... Appellant

Versus

Pepsu Roadways Transport Corporation Patiala and others

... Respondents

2.

FAO-4180-2003

Gian Chand

... Appellant

Versus

Pepsu Roadways Transport Corporation Patiala and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vijay Lath, Advocate
for the appellant.

Mr.Anupam Singla, Advocate
for respondents no.1 & 2-PRTC.

Mr.Neeraj Khanna, Advocate
for respondent no.4.

AMOL RATTAN SINGH, J.(ORAL)

Mr.Lath, learned counsel for the appellant-claimant in these two appeals, submits that with appellant Vinod Kumar proved to have received a fracture on the 7th rib and appellant Gian Chand having received a fracture in his clavicle, and both of them having remained admitted to hospital for 7 days (from 21.12.2001 to 27.12.2001), the lump sum

compensation of Rs.15000/- each is inadequate, even on account of pain and suffering.

Even though the accident is seen to have taken place in the year 2001, in my opinion once the aforesaid fractures of the bones were proved before the Tribunal and they admittedly remained hospitalized for 6-7 days, with obviously the fractures not having healed within that period, an amount of Rs.30,000/- each, as a lump sum amount for pain and suffering as also for medicine etc., is considered appropriate and is so awarded to each of the aforesaid claimants (appellants in these two appeals).

However, the enhanced compensation would carry an interest of 6% per annum and not 9% as awarded by the Tribunal, running from the date of filing of the claim petitions till the date of realization.

The appeals are allowed to the aforesaid extent.

(AMOL RATTAN SINGH)
JUDGE

October 16, 2018.
D.K./dinesh

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No