

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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FAO-1498-2001 (O&M)
Date of decision: 01.05.2018

PHOOL SINGH

... Appellant

Versus

KRISHAN KUMAR AND OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashok Kumar, Advocate for
Mr. Sanjeev Kumar, Advocate for the appellant.

Mr. Satpal Dhamija, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The injured victim is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 22.04.1998.

The Tribunal, on a detailed consideration of materials on record and the judgments referred to in paras 25 and 26 of the award, has awarded compensation of Rs.40,000/- in lumpsum.

Counsel for the appellant would argue that the injured remained hospitalised on three occasions and total period of treatment as indoor patient was more than two months. He suffered fracture of lateral condyle left tibia and physical disability has been assessed to the tune of 15% as per disability certificate Ex.PK. The claimant produced on record medical bills Exs.P1 to P25 amounting to Rs.8797.25. It is argued with vehemence that compensation awarded by the Tribunal is on lower side and needs enhancement.

Counsel representing the insurance company has supported assessment made by the Tribunal with the submission that adequate compensation has been allowed.

Counsel for the appellant, in response to a query, would fairly inform that the victim was working as a conductor with Haryana Roadways and despite having suffered disability, he continued in the service of Haryana Roadways. There is nothing on record suggestive of the fact that because of sustaining of injuries resulting in disability of 15% the injured has suffered any loss of income either during the period of treatment and recovery or on account of disability suffered by him. In this view of the matter, claimant is not entitled to any compensation for loss of income either during the period of treatment and recovery or on account of disability.

The injured had proved medical bills of approximately Rs.9000/-. He remained hospitalised for a period of two months in two different hospitals i.e. LNJP Hospital, Kurukshetra and Anand Orthopedic Centre, Kurukshetra. The claimant is entitled to compensation for pain and sufferings, special diet, services of an attendant, transportation charges and loss of amenities of life in addition to medical expenses proved on record. Taking a cumulative view of the facts and circumstances, interest of justice would be served, if the claimant is allowed additional amount of Rs.20,000/- towards loss of amenities of life, payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

01.05.2018

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No