

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

FAO-2519-2013 (O&M)

Date of decision: 09.01.2018

NARESH KUMAR

...Appellant

Versus

PAWAN KUMAR AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Kamal Kant, Advocate
for the appellant.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The injured is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 24.08.2009.

The Tribunal has awarded compensation to the tune of Rs.3,34,500/- (rounded off to Rs.3,35,000/-) payable with interest.

Counsel for the appellant has fairly informed that the claimant presses for enhancement of compensation under three heads namely expenses on special diet, pain & sufferings and loss of amenities of life due to disability to the extent of 40% on account of shortening of right leg by 1.5 cms.

The Tribunal has awarded an amount of Rs.5000/- for special diet. Dr. Harpreet Singh AW8 was examined and deposed that claimant was treated for fracture of right humerus, right hip and right patella between 24.08.2009 and 10.09.2009. Five operations were performed during the aforesaid period of treatment. He further deposed that the injured remained under treatment for the period 24.09.2009 to 30.09.2009. There is no challenge to testimony of Dr. Harpreet Singh with regard to treatment given to the injured victim as an indoor patient for the aforesaid periods. The injured remained hospitalised for a period of 22/23 days and suffered five operations and another operation to be performed in future in regard to whereof he has been awarded an amount of Rs.1 lakh on account of expenses for future medical treatment. Taking into consideration the nature of injuries sustained, treatment given to the injured victim and period of hospitalisation, claimant is awarded an amount of Rs.15,000/- for special diet. The compensation awarded by the Tribunal for pain and sufferings is increased to Rs.40,000/- thus making an addition of Rs.10,000/- under this head.

The injured has suffered disability of right leg to the extent of 40% and he would be walking with limp in the rest of his life. The claimant is held entitled to an amount of Rs.40,000/- for loss of amenities of life and additional amount of Rs.20,000/- under this head. In this manner, the claimant shall be entitled to additional amount of Rs.40,000/- over and above the compensation awarded by the Tribunal, payable with interest

@7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

09.01.2018
ashok

(REKHA MITTAL)
JUDGE

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