

FAO No. 10645 of 2014(O&M)

Date of decision : May 2, 2018

Hemlata

Versus

Sandeep Yadav and others

..... Appellant

..... Respondents

CORAM:

HON'BLE MRS. JUSTICE REKHA MITTAL

Present:-

Mr. Jai Singh Yadav, Advocate
for the appellant.

Mr. Amrinder Singh, Advocate
for respondent No.3.

REKHA MITTAL J (Oral).

Hemlata-injured is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 5.7.2012. The tribunal has awarded compensation to the tune of Rs.73,372/- detailed hereunder:-

S.No.	Heads of claim	Amount
1	Pain and suffering	Rs. 20,000/-
2	Medical expenses	Rs. 45,372/-
	Special diet/Attendant charges	Rs. 5,000/-
4	Transportation charges	Rs. 3,000/-

Dr. Atam Parkash of Atam Parkash Yadav Hospital, Rewari was examined to prove the nature of injuries, treatment and period of hospitalization.

The tribunal, in para No.16 of the award has noticed that as per testimony of Dr. Atam Parkash, Hemlata suffered compound fracture shaft

humorous right side with fracture proximal phalynx middle, ring and little finger right side. She was operated upon on the same day and discharged on 12.7.2012.

The claimant has averred that she was working in a School at salary of Rs. 10,000/- per month and she could not go to the School for six months. Counsel for the claimant, in response to a query, would inform that the claimant has not examined a witness from the School to prove her employment and salary. In the given scenario, claimant cannot be held entitled to compensation for loss of income on account of alleged absence from duty. However, she is entitled to compensation for loss of her services as a house maker for a period of three months at the rate of 5,000/- per month. Accordingly, she is awarded an amount of Rs.15,000/- in this regard.

Compensation awarded by the tribunal for special diet/Attendant charges is enhanced to Rs.10,000/-. The additional amount of Rs. 17,000/- shall be payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

May 2, 2018
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No