

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

FAO-1099-2014 (O&M)
Date of decision: 16.04.2018

BALBIR SINGH

... Appellant

Versus

BALDEV SINGH & ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rishab Lohan, Advocate for
Mr. R.N. Lohan, Advocate
for the appellant.

Mr. Eklavya Kumar, 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 07.10.2010.

The Tribunal has awarded compensation of Rs.1,34,200/-, detailed hereunder:-

1. Hospitalisation, pain and sufferings	Rs.20,000/-
2. Special diet	Rs.5000/-
3. Transportation charges	Rs.5000/-
4. Loss of amenity and enjoyment of life	Rs.25,000/-
5. Medical expenses	Rs.79,200/-

Counsel for the claimant would argue that the victim remained hospitalised for a period of 19 days. Dr. Saurabh Kalia PW2, Senior

Resident Department of Surgery, PGI, Chandigarh was examined and proved the nature of injury and treatment during hospitalisation. It is further argued that Dr. Saurabh Kalia has also deposed that the claimant still have difficulty in chewing solid food and facial disfigurement due to injuries. Counsel has prayed for enhancement of compensation under various heads for which compensation has been allowed by the Tribunal. He has submitted that claimant is entitled to compensation under additional heads i.e. attendant charges and loss of income during the period of treatment and recovery.

Counsel representing the insurance company has supported assessment made by the Tribunal on the premise that injured has been adequately compensated. It is further argued that though the injured has not suffered any disability on account of injuries sustained in the occurrence but still the Tribunal has awarded a sum of Rs.25,000/- on account of loss of amenity and enjoyment of life.

I have heard counsel for the parties, perused the paper book and the records.

Dr. Saurabh Kalia PW2 has deposed that the victim sustained blunt trauma of abdomen with ileal perforation and peritonitis for which he underwent surgery. He sustained faciomaxillary injury for which he underwent inter maxillary fixation by the plastic surgeon on 08.10.2010. The injured sustained open fracture of right iliac bone and fracture of transverse process of L1, L3 and L4. He underwent debridement of fracture

of right iliac bone by the orthopedic surgeon on 22.10.2010. He had prolonged post operative period with multiple complications from which he recovered and discharged after 19 days. He was advised further plastic surgery of the face after discharge. It has also been deposed by the witness that the patient may have long term problems related to facial injury, abdominal injury and hip injury.

Perusal of testimony of Dr. Saurabh Kalia particularly his affidavit Ex.PW2/A and documents Exs.P1 to P10 leaves no manner of doubt that the injured underwent surgery/medical intervention on three occasions during his hospitalisation for a period of 19 days. Taking into consideration the nature of injuries sustained coupled with the treatment given to him during his hospitalisation in PGI, Chandigarh, compensation for pain and sufferings allowed by the Tribunal is enhanced to Rs.25,000/- (additional amount of Rs.5000/-). Compensation qua special diet and transportation charges would be 15,000/- (additional amount of Rs.5000/-). Claimant is awarded an amount of Rs.5000/- for services of an attendant.

The injured remained hospitalised for a period of 19 days. He would have taken some time for recovery after discharge from the hospital. The Tribunal has awarded a sum of Rs.25,000/- on account of loss of amenity and enjoyment of life despite the fact that injured has not suffered any disability, therefore, there is no justification for allowing compensation under additional head i.e. loss of income during period of treatment and recovery. In this manner, claimant shall be entitled to additional amount of

Rs.15,000/-, payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

16.04.2018
ashok

(REKHA MITTAL)
JUDGE

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