

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

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FAO-1931-2014 (O&M)
Date of decision: 16.04.2018

BALRAJ

... Appellant

Versus

MUKESH KUMAR SAINI AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep K. Yadav, Advocate
for the appellant.

Mr. Sanjeev Kodan, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 10.04.2012.

The Tribunal has awarded compensation of Rs.1,06,524/-, detailed hereunder:-

1. Medical expenses	Rs.48,524/-
2. Permanent disability	Rs.28,000/-
3. Transportation	Rs.20,000/-
4. Pain and sufferings	Rs.5000/-
5. Special diet	Rs.5000/-

Counsel for the claimant would argue that compensation awarded by the Tribunal qua pain and sufferings is on lower side. Claimant is entitled to loss of income during period of treatment and recovery. No compensation has been awarded with regard to loss of amenities of life on account of 14% permanent disability suffered by the victim.

Counsel representing the insurance company has supported assessment made by the Tribunal with the submission that claimant has been adequately compensated.

The Tribunal has awarded an amount of Rs.48,524/- for medical expenses and the same is ordered to be affirmed. Similarly, compensation awarded by the Tribunal on account of disability to the tune of 14% qua painful and resisted movement of right shoulder @ Rs.2000/- per percent is ordered to be affirmed. The Tribunal has awarded compensation of Rs.20,000/- for transportation based upon evidence adduced by the claimant. Claimant remained admitted in the hospital for two days and suffered disability on account of painful and resisted movement of right shoulder. Taking into consideration the nature of injuries sustained coupled with the extent of disability suffered by the victim, interest of justice would be served if the claimant is allowed additional amount of Rs.10,000/- for loss of income during the period of treatment and recovery, pain and sufferings and attendant charges, 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

16.04.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No