

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

Date of decision: 08.02.2018

FAO No.1305 of 2015 (O&M)

Bijender @ Vijender

... Appellant

Versus

Ravinder and others

... Respondents

FAO No.4247 of 2015 (O&M)

Muskan and others

... Appellants

Versus

Ravinder and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Dheeraj Narula, Advocate
for the appellants.

Mr. Jitender K. Sehrawat, Advocate
for respondent No.1.

Mr. Vishal Kashyap, AAG, Haryana.

Mr. Ram Avtar, Advocate
for respondent No.4.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.1305 and 4247 of 2015 as
these have emerged out of the same award dated 27.10.2014 passed by the
Motor Accidents Claims Tribunal, Sirsa.

FAO No.1305 of 2015

The Tribunal has awarded compensation to the tune of Rs.73,427/- in regard to injuries sustained by Bijender Singh aged 25 years, detailed hereunder:-

1. Medical/hospital bills Ex.P3	Rs.27,000/-
2. Medicine Bills Exs.P5 to P13	Rs.9027/-
3. Lab test bills Marks PA to PG	Rs.7400/-
4. Sufferings/pain since remained admitted in hospital from 15.07.2012 to 22.07.2012 as per Exs.P1 and P2	Rs.20,000/-
5. Transportation/diet etc.	Rs.10,000/-

Counsel for the appellant has submitted that the claimants examined Dr. Vijay Shankar Jha, Neurosurgeon, Jha Neuro and Dental Centre, Bibiwala Road, Bathinda to prove nature of injuries sustained and period of treatment as an indoor patient. It is further argued that the injured was initially taken to Civil Hospital, Kurukshetra and thereafter brought to the hospital at Bathinda. He also got treatment from PGI, Chandigarh, therefore, compensation awarded by the Tribunal for expenses on transportation is liable to be enhanced. Another submission made by counsel is that the Tribunal has not awarded any compensation for special diet, attendant charges, loss of income for the period of treatment and recovery etc.

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

Dr. Vijay Shankar Jha, Neurosurgeon, Jha Neuro and Dental Centre, Bibiwala Road, Bathinda tendered into evidence his affidavit PW4/A. It has been deposed by him that CT head of patient was suggestive of fracture left frontal with right tentorial bleed, small contusion right temporal with diffuse subarachnoid hemorrhage. Patient was put on conservative treatment (mannitol, fosolin, monocef) and he gradually improved. He was discharged in satisfactory condition on 22.07.2012. The claimant did not examine any witness nor produced any documentary evidence with regard to his treatment in PGI, Chandigarh. However, it remains a fact that initially he was admitted in Civil Hospital, Kurukshetra and thereafter taken to the hospital at Bathinda. Keeping in view nature of injuries sustained coupled with period of treatment as an indoor patient, interest of justice would be served if the claimant is paid an amount of Rs.10,000/- for loss of income during the period of treatment and recovery for two months. He is paid another sum of Rs.5000/- for special diet and services of an attendant. Compensation awarded by the Tribunal under various heads is ordered to be affirmed. 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.

FAO No.4247 of 2015

The Tribunal has awarded compensation to the tune of Rs.14,71,000/-, represented in a tabulated form, in para 31 of the award.

I have gone through findings of the Tribunal assessing compensation but unable to find any justification for enhancement thereof. That being so, award passed by the Tribunal with regard to assessment of compensation is ordered to be affirmed.

The appeal is disposed of accordingly.

08.02.2018
ashok

(REKHA MITTAL)
JUDGE

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