

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

Date of decision: 18.09.2018

FAO No.3035 of 2015 (O&M)

Anil Kumar

... Appellant

Versus

Rajender Kumar and others

... Respondents

FAO No.4491 of 2015 (O&M)

Mool Chand

... Appellant

Versus

Rajinder Kumar and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate
for the appellant in FAO No.3035 of 2015.

Mr. B.S. Mittal, Advocate
for the appellant in FAO No.4491 of 2015.

Mr. Radhe Shyam Sharma, Advocate
for respondents No.2 and 3 in FAO No.3035 of 2015 and
for respondents No.3 and 4 in FAO No.4491 of 2015.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.3035 and 4491 of 2015 as these have emerged out of the same award dated 16.01.2015 passed by the Motor Accidents Claims Tribunal, Sirsa whereby compensation has been awarded on account of injuries sustained by Anil Kumar and Mool Chand

in a motor vehicular accident that took place on 17.05.2013.

FAO No.3035 of 2015

Anil, the injured has been awarded compensation of Rs.2,39,057/-, detailed hereunder:-

1. Disability	Rs.25,000/-
2. Medical bills	Rs.1,94,057/-
3. Loss of earnings	Rs.8000/-
4. Pain and sufferings	Rs.10,000/-
5. Special diet	Rs.2000/-

The Tribunal has allowed reimbursement of medical bills to the tune of Rs.1,94,057/- and the same is affirmed. The Tribunal has noticed that the claimant remained bed ridden during period of treatment for a period of 15 days and has been allowed loss of earnings to the tune of Rs.8000/-. Taking into consideration the period of hospitalization coupled with the period of recovery, claimant is held entitled to loss of income for a period of one month to the tune of Rs.14,400/- (additional sum of Rs.6400). Compensation for pain and sufferings is enhanced to Rs.15000/- (additional sum of Rs.5000) and special diet to the tune of Rs.5000/- (additional amount of Rs.3000). Claimant shall be entitled to a sum of Rs.5000/- for services of an attendant.

The victim has suffered temporary physical impairment to the extent of 25% and the Tribunal has allowed compensation of Rs.25,000/- qua disability and the same is affirmed.

The additional amount of Rs.19,400/- shall be 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.4491 of 2015

The Tribunal has awarded compensation of Rs.3,46,446/-, detailed hereunder:-

1. Disability	Rs.10,000/-
2. Medical bills	Rs.2,99,446/-
3. Loss of earnings	Rs.25,000/-
4. Pain and sufferings	Rs.10,000/-
5. Special diet	Rs.2000/-

Counsel for the appellant would urge that the claimant has suffered temporary partial disability to the extent of 10% but the Tribunal has awarded a paltry sum of Rs.10,000/- qua disability. Compensation allowed for pain and sufferings and special diet is on lower side. No compensation has been awarded for services of an attendant during the period of treatment and recovery.

As per statement of the claimant, after the accident, he was taken to General Hospital, Sirsa but later he was taken to Sangwan Hospital, Sirsa where he remained admitted from 17.05.2013 to 21.05.2013. Thereafter, he was taken to V.K. Neurocare and Trauma Research Centre, Hisar and remained admitted upto 23.05.2013. On 24.05.2013, he was taken to Medanta Hospital, Gurgaon where he remained admitted upto 01.06.2013. Meaning thereby that the total period of hospitalization was approximately 13/14 days. Taking into consideration

that the injured got treatment from hospitals at Sirsa, Hisar and Gurgaon, claimant is allowed transportation expenses to the tune of Rs.10,000/-. He shall be entitled to compensation of Rs.15,000/- (additional sum of Rs.5000/-) for pain and sufferings and Rs.5000 (additional sum of Rs.3000/-) for special diet. Claimant shall be entitled to a sum of Rs.5000/- for services of an attendant. Reimbursement of medical expenses of Rs.2,99,446/- by the Tribunal is affirmed.

So far as plea of the claimant with regard to compensation qua temporary disability to the extent of 10%, as the claimant is a government teacher, there would be no loss of income except for the period when he remained on leave for which he has already got compensation to the tune of Rs.25,000/-. In the given circumstances, sum of Rs.10,000/- allowed by the Tribunal qua temporary partial disability cannot be faulted with. The additional amount of Rs.23,000/- shall be payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

18.09.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No