

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
-.-

FAO 5961 of 2013 (O&M)
Date of decision: 09.07.2018

Ramesh Kumar Appellant
Versus
Suraj Mal and others Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal
-.-

Present: Mr. Ashwani Gaur, Advocate
for the appellant

Mr. Rajbir Singh, 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 24.04.2011.

The Tribunal has awarded compensation of Rs.77,000.00, detailed hereunder:-

Medical expenses	Rs.32,000.00
Disability	Rs.10,000.00
Loss of income	Rs.10,000.00
Pain and suffering and future prospects	Rs.15,000.00
Expenses on transportation	Rs.10,000.00

Counsel for the appellant would urge that in view of materials available on record particularly facts elicited in statements of Dr. Navneet Goel (PW1) and Dr. Anshuman Kumar (PW2) coupled with documents marked as exhibit, claimant is entitled to higher compensation under various

heads such as loss of income, pain and suffering, future prospects and expenses on transportation. In addition, he is entitled to compensation for special diet as he sustained compound fracture on both bones of right leg. Another submission made by counsel is that the claimant is resident of Village Bega, Tehsil and District Sonapat but he got treatment from Lok Nayak Hospital, Delhi and remained admitted there twice from 24.04.2011 to 04.05.2011 and 23.09.2011 to 03.10.2011, therefore, transportation expenses may be enhanced accordingly.

Counsel representing the insurance company has supported assessment made by the Tribunal.

Indisputably, the claimant remained hospitalized twice for the aforesaid period which comes to approximately 20 days. Perusal of document exhibit P1 makes it evident that claimant suffered fracture of both bones of right leg, distal 1/3 compound Grade III BC foot drop at the time of admission. In April 2011, debridement of wounds margins and avascular muscular tissue and sub tissue and skin was done. Upper limb exterior fixator applied with 2 proximal and 2 distal schanz screws 4.5 mm each and corrected by two rods and connected to 2 metaphyseal pins (*sic*). Dr. Navneet Goel (PW1) has deposed that the injured was operated both the times when he remained admitted in the Hospital.

Keeping in view the above, claimant is held entitled to Rs.25,000.00 for pain and sufferings (Additional Rs.10,000/-). Further, he shall be entitled to loss of income for a period of four months at the rate of Rs.5,000.00 per month and the same comes to Rs.20,000.00 (Additional amount Rs.10,000.00). As the injured belongs to Village Bega, Tehsil and District Sonapat and he remained under treatment at Delhi twice, he is

allowed expenses for transportation of Rs.20,000.00 (additional Rs.10,000.00). Claimant shall also be entitled to Rs.15,000.00 for services of an attendant. Additional amount of Rs.45,000.00 shall be payable with interest at the 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

09.07.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No