

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

208

FAO-625-2013 (O&M)
Date of decision: 04.09.2018

JASBIR SINGH

... Appellant

Versus

GAURAV ANAND AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vipul Dharmani, Advocate for the appellant.

Mr. M.B. Jain, 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 10.12.2011.

The Tribunal has awarded compensation of Rs.55,000/-, detailed hereunder:-

1. Compensation qua disability of 20%	Rs.40,000/-
2. Reimbursement of medical expenses	Rs.2500/-
3. Transportation expenses	Rs.5000/-
4. Pain and sufferings	Rs.5000/-
5. Special diet	Rs.2500/-

Counsel for the appellant would urge that the Tribunal has not allowed compensation qua loss of income during the period of treatment and recovery. Compensation of Rs.40,000/- in regard to disability to the extent of 20% is on lower side and needs enhancement. Further argued that the amount allowed under other heads is also inadequate.

Counsel representing the insurance company has supported assessment made by the Tribunal and would point out observations of the Tribunal recorded in para 14 of the award with regard to appellant having

not suffered any loss of future income on account of disability suffered by him.

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

Dr. Navtej Pal Singh PW3 was examined to prove disability and disability certificate Ex.P2. The claimant did not examine the treating doctor from PGI, Chandigarh. However, he has placed on record the discharge and follow-up card Ex.P3. Perusal thereof would reveal that the injured was admitted in the hospital on 11.12.2011 and discharged on 14.12.2011. In the document Ex.P3, there is reference to fracture BB leg grade II but it does not make reference to injury on any other part of the body.

Taking into consideration the nature of injuries sustained coupled with that the injured remained visiting PGI till June, 2012, interest of justice would be served, if the claimant is allowed loss of income during the period of treatment and recovery for a period of three months. There is no challenge to testimony of the claimant that he was doing the job in GGSSTP, Ropar with contractor Avtar Singh at salary of Rs.6000/- per month. The claimant is held entitled to a sum of Rs.18,000/- with regard to loss of income for the aforesaid period.

The medical reimbursement of Rs.2500/- allowed by the Tribunal is based upon bills Exs.P8 to P11 and the same is affirmed. As claimant suffered fracture of lower limb rendering him disable to the extent of 20% coupled with the period till he was getting follow up treatment, he is awarded Rs.10,000/- towards expenses on transportation (additional sum of Rs.5000/-). He is allowed an amount of Rs.10,000/- for pain and sufferings (additional sum of Rs.5000/-).

The Tribunal has awarded a sum of Rs.40,000/- @ Rs.2000/- per percent qua permanent disability of 20%. As has been noticed by the Tribunal, claimant has not suffered any loss of earning on account of disability, therefore, compensation allowed by the Tribunal in respect of

permanent disability is affirmed. However, the claimant shall be entitled to additional sum of Rs.20,000/- for loss of amenities of life. The additional amount of Rs.48,000/- (1,03,000 – 55,000) 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.

(REKHA MITTAL)
JUDGE

04.09.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No