

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

-.-

FAO 4854 of 2012 (O&M)

Date of decision: 05.07.2018

Anil Kumar

.....Appellant

Versus

Rampal and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R S Malik, Advocate
for the appellant

None for respondent No. 3

-.-

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 02.11.2009.

The Tribunal has awarded compensation of Rs.25,300.00, detailed hereunder:-

Cost of medicines	Rs.,5,300.00
Pain and sufferings, attendants, special diet	Rs.10,000.00
Transportation	Rs.10,000.00

Counsel for the appellant would urge that compensation awarded by the Tribunal is on lower side and needs enhancement.

Dr. Vinit Kumar, Assistant Professor, Department of Orthopedics, PGIMS, Rohtak was examined to prove nature of injury sustained and period of treatment of claimant as an indoor patient. He

deposed that Anil remained admitted in the Hospital with effect from 02.11.2009 to 09.11.2009, suffered fracture of dorsal 12th vertebrae with bladder involvement and weakness in both lower limbs. The claimant also examined Navdeep, Proprietor of Singh Tour and Travels, Pritampura Maur, Sonipat to prove travelling expenses incurred in connection with transportation. The Tribunal has awarded Rs.10,000.00 towards transportation. Nothing has been mentioned by the Tribunal as to how testimony of Navdeep (PW2) is not worthy of credence and reliance. Accordingly, the claimant shall be entitled to Rs.17,600.00 towards expenses incurred on transportation. He is awarded additional sum of Rs.5,000.00 qua pain and sufferings, attendant charges and special diet. In this manner, additional amount of Rs.12,600.00 shall be payable with interest at the rate of 7.5% per annum from the date of petition till realization. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

05.07.2018
mohan bimbura

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