

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

FAO 5798 of 2014 (O&M)
Date of decision: 03.12.2018

Satish Kumar

.....Appellant

versus

Ramesh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr.S N Pillania, Advocate
 for the appellant

Ms Vandana Malhotra, Advocate and
Ms Monica Jangra, Advocate
for respondent No. 3-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 01.05.2012.

The Tribunal has awarded compensation of Rs.1,93,000.00, detailed hereunder:-

On account of actual expenses spent on medical treatment	Rs.1,00,000.00
On account of disability (10%)	Rs.20,000.00
Physical pain and mental agony	Rs.25,000.00
On account of loss of income during the treatment period of three months at the rate of Rs.6,000.00 per month	Rs.18,000.00
On account of attendant, special, diet expenses and transport expenses	Rs.30,000.00

Counsel for the appellant would argue that the Tribunal has

awarded a sum of Rs.18,000.00 towards loss of income during the period of treatment @ Rs.6,000.00 per month. In view of nature of injuries sustained coupled with his treatment as an indoor patient, he should be awarded loss of income at least for a period of six months. He would further argue that compensation allowed for pain and mental agony to the tune of Rs.25,000.00 is also on lower side and needs enhancement. Claimant may be allowed compensation for transportation charges, services of an attendant and special diet etc.

Counsel representing the insurance company has supported assessment made by the Tribunal with the submissions that the Tribunal has awarded a sum of Rs.1,00,000.00 towards medical expenses whereas the claimant has produced medical bills worth Rs.75,000.00 approximately.

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

The claimant has been compensated to the tune of Rs.1,00,000.00 for medical expenses as against bills of Rs.75,000.00 approximately. There is no justification for enhancement of compensation under the heads, allowed by the Tribunal. However, the injured remained admitted in *Tripti Kharab Dharamrth Hospital*, Jind from 01.05.2012 to 22.05.2012.

Taking into consideration the period of treatment as an indoor patient, the claimant is allowed additional sum of Rs.10,000.00 towards expenses of transportation, services of an attendant and special diet, payable with interest at the rate of 7.5% per annum from the date of

petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

03.12.2018
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