

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

FAO No. 5418 of 2015 (O&M)
Date of decision : September 18, 2018

Sahoon Khan

..... Appellant

v.

Sahoon and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashish Gupta, Advocate
for the appellant.

Ms. Sheenu Sura, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

This appeal has been filed by the injured/appellant for enhancement of compensation.

Brief facts are that on the intervening night of 29/30.6.2012, while the appellant was going to his village Solpur in his car and reached near Jatka Siswana turn, the offending vehicle being driven rashly and negligently came from front side and struck against the car. As a result of this accident, the appellant sustained fracture on right lower limb and various other parts of the body. Hence the claim petition was filed.

The Tribunal held the driver of the offending vehicle responsible for causing the accident. The doctors assessed permanent disability of the appellant to the extent of 42.5%. The Tribunal awarded a sum of ₹ 4,13,004/- for medical expenses, ₹ 1,50,000/- towards permanent

disability and ₹25,000/- for pain and suffering.

Counsel for the appellant has argued that once the appellant had suffered 42.5% permanent disability, he had to be awarded ₹ 85,000/- on that score. Apart from that, only a sum of ₹ 65,000/- (plus ₹ 25,000/- for pain and suffering) has been awarded. He has argued that if the individual components of special diet, attendant, pain and suffering, loss of amenities and the loss of income for 15 days of hospitalization and further recuperation are to be considered, more amount has to be awarded.

Keeping in view the facts and circumstances of the case, I deem it appropriate to award a sum of ₹ 30,000/- each on the above five heads and that would come to ₹ 1.5 lakh, out of which ₹ 90,000/- has already been awarded and consequently, a sum of ₹ 60,000/- more is awarded. Remaining award shall remain unchanged.

With these modifications in the Award, this appeal stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

September 18, 2018
'kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No