

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

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FAO-803-2014 (O&M)
Date of decision: 19.09.2018

KAMALJIT KAUR

... Appellant

Versus

RAJESH KUMAR AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Ekta Thakur, Advocate for the appellant.

Mr. Deepak Arora, Advocate for respondents No.1 and 2.

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 21.03.2011.

The Tribunal has awarded compensation of Rs.39,865/-, detailed hereunder:-

1. Medical charges	Rs.14,865/-
2. Transportation charges	Rs.5000/-
3. Compensation for engaging an attendant	Rs.5000/-
4. Compensation for special diet	Rs.5000/-
5. Pain and sufferings and loss of enjoyment	Rs.10,000/-

Counsel for the appellant would argue that compensation allowed by the Tribunal under various heads is on lower side and needs enhancement. The claimant is entitled to compensation for loss of services for the period of treatment and recovery

The claimant did not examine her treating doctor to prove nature of injuries sustained and treatment in regard thereto. However, she has placed on record document of Nehru Hospital, Postgraduate Institute of Medical Education and Research, Chandigarh. Initially, she was admitted in the hospital on 21.03.2011 and discharged on 25.03.2011. At that time

some surgical intervention was there and suture was removed on 07.04.2011. She had been going for follow up treatment till the year 2013. The Tribunal has allowed reimbursement of medical expenses for a period from 22.03.2011 to 15.04.2013. The claimant is entitled to loss of her services to the family for a period of one month. She is allowed compensation of Rs.6000/- qua loss of her services during the period of treatment as an indoor patient, follow up treatment and recovery.

The Tribunal has already awarded a sum of Rs.39,865/- under various heads including medical expenses, transportation, services of an attendant, special diet, pain and suffering etc. There is no justification for enhancement of compensation under these heads.

The additional amount of Rs.6000/- 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.

19.09.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No