

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

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FAO-7501-2015 (O&M)
Date of decision: 21.04.2018

RAJ KUMAR

... Appellant

Versus

NAWAB SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellant.

Mr. Punit Jain, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The injured is in appeal seeking enhancement of compensation on account of injury sustained in a motor vehicular accident that took place on 26.03.2014.

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

1. Medical expenses	Rs.50,000/-
2. Conveyance charges	Rs.1000/-
3. Special diet and special attendant	Rs.5000/-
4. Loss of earning	Rs.9000/-
5. Pain and sufferings and operation	Rs.15,000/-
6. Loss of amenities of life	Rs.10,000/-
7. Future medical expenses	Rs.10,000/-

Counsel for the insurance company would urge that compensation awarded by the Tribunal is based upon materials on record and there is no justification for enhancement of compensation. It is further argued that the injured suffered disability of 4% qua fracture of ankle, therefore, the Tribunal has rightly rejected his claim for grant of loss of income qua disability though he has been awarded a sum of Rs.10,000/- towards loss of amenities of life.

I have heard counsel for the insurance company, perused the paper book particularly the award.

The Tribunal has allowed reimbursement of medical expenses on the basis of bills Exs.P1, P4 and P12 to P26 amounting to Rs.49,467/- (rounded of to Rs.50,000), the same is ordered to be affirmed.

Dr. R.K. Mahajan PW2 was examined to prove nature of injury and period of treatment etc. He has testified that Raj Kumar was admitted in his hospital in the afternoon of 26.03.2014 with diagnosis of fracture right ankle, operated on the same day and discharged on 04.04.2014. Meaning thereby that the injured remained in the hospital for about 9 days. The Tribunal has noticed that subsequent to his discharge, injured remained getting treatment as outdoor patient. The Tribunal has awarded an amount of Rs.5000/- qua special diet and attendant charges and Rs.1000/- for conveyance. Taking into consideration the nature of injury, period of hospitalisation and thereafter follow up treatment as outdoor patient, he is awarded an amount of Rs.15,000/- under the aforesaid three heads (additional amount of Rs.9000/-).

The Tribunal has awarded an amount of Rs.15,000/- towards pain and sufferings, Rs.10,000/- for future medical expenses, Rs.10,000/- for loss of amenities of life and Rs.9000 for loss of earning of one month and the same is affirmed. The injured suffered 4% disability as per disability certificate Ex.P29. This disability has been caused on account of fracture distal fibula tibia of one of the lower limbs. Claimant is awarded an amount of Rs.8000/- qua disability @ Rs.2000/- per percent. In this manner, claimant shall be entitled to additional amount of Rs.17,000/- with future interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

21.04.2018

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No