

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

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FAO No.7868 of 2015 (O&M)

Date of decision: 11.07.2018

RAJESH KUMAR

... Appellant

Versus

PARDEEP KUMAR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Barjinder Singh, Advocate for the appellant.

Mr. Harkeerat Singh, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-24810-CII-2015

Heard.

Allowed as prayed for. Delay of 116 days in filing the appeal stands condoned subject to the condition that the claimants shall forgo interest for the period of delay in case compensation is enhanced.

Main Case

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 30.11.2011.

The Tribunal has awarded compensation of Rs.40,000/-, detailed hereunder:-

- | | |
|---|-------------|
| 1. Medical expenses | Rs.27,000/- |
| 2. Transportation charges, extra nourishment, pain and sufferings, loss of amenities of life, special diet etc. | Rs.13,000/- |

Counsel for the appellant would submit that a consolidated sum of Rs.13,000/- awarded by the Tribunal under the aforesaid heads is grossly inadequate and requires enhancement. The injured remained admitted in PGI, Chandigarh from 30.11.2011 to 07.12.2011 and operated upon for dislocation of upper and lower jaws.

Counsel representing the insurance company has supported the assessment.

Rajesh Kumar, the injured appeared in the witness box and tendered into evidence his duly sworn affidavit Ex.PW1/A. He has categorically deposed that he remained admitted in PGI, Chandigarh from 30.11.2011 to 07.12.2011, was operated upon for dislocation of upper and lower jaws. The Tribunal has not awarded any compensation qua loss of income during period of treatment and recovery. Taking into consideration the period of hospitalisation and nature of injuries sustained, claimant is awarded Rs.5000/- for loss of income. Compensation awarded by the Tribunal under various heads together is enhanced to Rs.20,000/- (additional amount of Rs.7000/-). The additional amount of Rs.12,000/- shall be payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

11.07.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No