

213/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 9864 of 2014(O&M)

Date of decision : 16.07.2018

Rajbir

..... Appellant

versus

Dharambir and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Subhash Rana, Advocate
for Mr. Harish Nain, Advocate for the appellant.

Mr.Kulwinder Singh, Advocate
for Mr. Sanjeev Goyal, Advocate for respondent No.3.

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 29.10.2012.

The Tribunal has awarded compensation of ₹ 1.5 lakhs, detailed hereunder:-

1. Medical expenses	₹ 5000/-
2. Conveyance charges	₹ 2000/-
3. Special diet and special attendant	₹ 2000/-
4. Loss of earnings	₹ 10,000/-
5. Loss of future earnings	₹ 96,000/-
6. Pain and sufferings	₹ 15,000/-
7. Loss of amenities of life	₹ 20,000/-
8. For future medical expenses	Nil

Total₹ 1,50,000/-

Counsel for the appellant would urge that compensation awarded by the Tribunal under various heads is on lower side and needs enhancement. The Tribunal has noticed that the claimant received crush injury on left hand and suffered disability on account of amputation of thumb of the left and. He remained admitted in Arora Orthopaedic Hospital, Barwala from 18.11.2012 to 23.11.2012. Initially he was taken to General Hospital, Narwana and after providing first aid, referred to PGIMS, Rohtak but discharged on the next day. The Tribunal has reimbursed medical expenses on the basis of bills Ex.P-1 to Ex.P-7. Taking into consideration that the injured was initially shifted to PGIMS, Rohtak from Narwana and thereafter he remained under treatment in a hospital at Hisar, amount of ₹ 2000/- towards conveyance charges allowed by the Tribunal is grossly inadequate. He shall be entitled to conveyance charges of ₹ 10,000/- **(additional amount of ₹ 8000/-)**. The Tribunal has awarded a sum of ₹ 2000/- for special diet and services of an attendant. In view of the above, the claimant shall be entitled to ₹ 5000/- under this head **(additional amount of ₹ 3000/-)**. Compensation awarded by the Tribunal under other heads does not warrant enhancement. Accordingly, claimant shall be entitled to additional amount of ₹ 11,000/- payable with interest at the rate of 7.5.% p.a. from the date of petition till realisation.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

16.07.2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No