

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 9891 of 2014(O &M)

Date of decision : 16.07.2018

Jarnail Singh

..... 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)

Jarnail Singh, the injured 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 ₹ 1,55,000/-,
detailed hereunder:-

1. Medical expenses	₹ 82,000/-
2. Conveyance charges	₹ 5000/-
3. Special diet and special attendant	₹ 5000/-
4. Loss of earnings	₹ 10,000/-
5. Loss of future earnings	₹ 25,000/-
6. Pain and sufferings	₹ 20,000/-
7. Loss of amenities of life	₹ 8,000/-
8. For future medical expenses	Nil
Total	₹ 1,55,000/-

Counsel for the appellant has submitted that compensation awarded by the Tribunal under various heads is on lower side and needs enhancement. It is argued that the injured suffered disability of 8% qua limb as he suffered fracture of both bones of left leg but the Tribunal has awarded a paltry sum of ₹ 25,000/- towards loss of future earnings.

Counsel representing the insurance company has supported assessment made by the Tribunal.

I have heard counsel for the parties, perused the paper book and records.

The Tribunal has allowed reimbursement of medical expenses of ₹ 82,000/- and the same is affirmed. Counsel for the appellant has not pointed out if he had placed on record medical bills of value of more than ₹82,000/-. The injured remained hospitalised from 29.10.2012 to 17.11.2012 i.e. 20 days. He suffered fracture of both bones of left leg. Keeping in view the above, claimant shall be entitled to a sum of ₹ 15,000/- towards conveyance charges, special diet and services of an attendant (**additional amount of ₹ 5000/-**). Taking into consideration the nature of injuries sustained, period of hospitalisation and disability caused to him, he is allowed loss of earnings during the period of treatment and recovery for a period of three months at the rate of ₹ 5000/- per month and accordingly **additional amount of ₹ 5000/-** is payable for loss of earnings under this head.

The Tribunal has awarded a sum of ₹ 25,000/- for loss of future earnings qua disability. The claimant did not examine any doctor to prove the disability certificate. Perusal of the disability certificate does not make the things very clear, however, it appears that the medical board has assessed

disability on account of fracture of tibia and fibula left leg, non union of fibula, discharging sinus left leg, two inches fibula base absent. As the injured did not examine a doctor to know as to what would be the difficulty for the injured in doing work as a labourer on account of disability of 8%, in absence of materials on record, it is difficult to say that compensation allowed by the Tribunal under this head needs enhancement. However, compensation for loss of amenities of life allowed by the Tribunal is enhanced to ₹ 15,000/- (**additional amount of ₹ 7000/-**). In this manner, claimant shall be entitled to additional amount of ₹ 17,000/-, payable with interest at the rate of 7.5 % p.a. from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(**REKHA MITTAL**)
JUDGE

16.07.2018
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No