

(120) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 181 of 2018

Date of decision: 01.11.2018

Kour Singh

.... Appellant

Versus

Kuldeep Singh and another

.... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present : Mr. Ram Kumar Saini, Advocate for the appellant.

Mr. Vinod Gupta, Advocate for the respondent No.2-
Insurance Company.

B.S. Walia, J.

[1] Appeal has been filed by the claimant seeking enhancement of compensation awarded. Learned counsel contends that although the accident is of the year 2015, attendant charges have been paid only at the rate of ₹ 2000/- per month, whereas it should have been ₹ 6000/- per month. Likewise, only a sum of ₹ 2984/- has been granted on account of transportation, special diet and miscellaneous expenses, although the same should have been ₹25,000/-.

[2] Notice of motion to respondent No.2 only.

[3] Mr. Vinod Gupta, Advocate, who is present in Court, accepts notice on behalf of respondent No.2 – Insurance Company and states that he has no objection to argue the matter and the same being decided today itself.

[4] With the consent of counsel for the parties, the instant appeal is

taken up for final decision.

[5] Admittedly, the appellant sustained 7% permanent disability on account of injuries sustained including fracture left hip joint in an accident on 22.07.2015. The appellant remained admitted in Arora Hospital from 23.07.2015 to 30.07.2015 and was charged ₹ 27,750/- as treatment charges with separate expenses being incurred by him for medicines, investigation charges etc. total ₹54,016/-. The learned Motor Accidents Claims Tribunal, Hisar (hereinafter referred to as “the Tribunal”) on the basis of evidence led before it, awarded medical expenses of ₹ 54,016/-, loss of income @ ₹ 6,000 x 3 months = ₹ 18,000/-, pain and suffering including hospitalization of 7 days i.e. ₹ 20,000/-, permanent disability to the extent of 7% i.e. ₹ 14,000/-, attendant charges @ ₹ 2000/- per month for three months i.e. ₹ 6000/- and transportation, special diet and miscellaneous expenses to the tune of ₹ 2984/-.

[6] Learned counsel for the appellant contended that the amount awarded on account of pain and suffering including hospitalization, attendant charges, transportation, special diet and miscellaneous expenses is inadequate and that higher amount ought to have been granted.

[7] Per contra, learned counsel for respondent No.2 – Insurance company contended that the amount awarded by the learned Tribunal on the aforementioned account was just and proper and did not warrant any interference.

[8] I have considered the submissions of learned counsel for the parties and am of the view that for the reasons mentioned hereunder, the appeal is liable to be allowed.

[9] Admittedly, the appellant sustained injuries in a motor vehicular accident on 22.07.2015 and remained admitted in Arora Hospital

obvious that a person having a fracture in left hip joint would be rendered immobile for a number of weeks and would be bed ridden. He would also require an attendant to take care of him.

[10] No doubt, the learned Tribunal awarded compensation on account of attendant charges for a period of three months but in view of the period during which attendant charges have been granted i.e. the year 2015, I am of the view that the amount of ₹ 2000/- per month is inadequate and the same should be minimum of ₹ 6000/- per month.

Accordingly, the attendant charges for a period of three months are enhanced from ₹ 2000/- per month to ₹ 6000/- per month (i.e. ₹ 18,000/- for three months) as against ₹ 6000/- awarded earlier.

[11] Compensation of ₹ 20,000/- was awarded on account of pain and suffering including hospitalization for seven days.

I am of the view that the same also requires to be enhanced and that ends of justice would be met if the said amount is enhanced from ₹ 20,000/- to ₹ 40,000/-.

[12] Only a sum of ₹ 2,984/- has been awarded by the learned Tribunal on account of transportation, special diet and miscellaneous expenses.

I am of the view that the aforementioned amount also needs to be enhanced, therefore, ₹ 5000/- per month is awarded for special diet, ₹ 1000/- per month is awarded for miscellaneous expenses while ₹ 1000/- per month is awarded for transportation charges.

Accordingly, for a period of three months a sum of ₹ 15,000/- is awarded on account of special diet, ₹ 3000/- on account of miscellaneous expenses and ₹ 3000/- for transportation charges.

[13] In the light of the position as noted above, as against compensation of ₹ 1,15,000/- awarded by the learned Tribunal, the appellant is held entitled to compensation of ₹ 1,68,000/- along with interest @ 7% per annum with effect from the date of claim petition till date of payment, less payment, if any, made earlier.

[14] Accordingly, the appeal is allowed by modifying the award dated 11.08.2017 passed by the learned Tribunal to the extent as noted above.

(B.S. Walia)
Judge

14.09.2018
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No