

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

FAO No.1780-1994(O&M)

Date of decision: 10.04.2019

Smt.Pattu

.....Appellant

versus

Chander and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.B.R.Rana, Advocate for the appellant
Respondent Nos.1 and 2 -ex-parte
Service of respondent no.3 dispensed with

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Appellant Pattu, who was going on a bicycle along with her husband, was hit by a motor cycle bearing Registration Number HRW-5444, being driven rashly and negligently by Mr.Vikram Singh, now deceased and represented by LRs. As a result of the accident, claimant suffered multiple injuries on the right hip joint. She remained admitted in a Government Hospital from 29.3.1992 to 17.5.1992. It is claimed that she spent Rs.50,000/- on her treatment and incidental charges. She further claimed that she was employed and getting Rs.1500/- per month as salary.

Before the Tribunal, the claimant could not prove that she was employed and therefore, she was held to be housewife. Regarding her disability, the doctor was examined, who stated that she remained admitted in the hospital and had central dislocation on right hip for which continuous traction was given for six weeks. The doctor could not tell percentage of

disability. From the award, it comes out that disability certificate was shown to the Tribunal at the time of arguments, which shows that the claimant had 10% disability. No medical bills were produced nor disability was proved in accordance with law. Therefore, considering the period of admission of claimant in the hospital, the Tribunal awarded Rs.5,000/- as medical expenses, while considering that the treatment in the Government Hospital is free. Rs.30,000/- were allowed on account of loss of enjoyment and amenity of life and pain and suffering. Therefore, award of Rs.35,000/- was passed vide award dated 23.3.1994.

Learned counsel for the appellant contends that the compensation should be enhanced on account of disability and medical expenses.

I am of the view that no medical bills were produced. Therefore, the Tribunal by way of guess, allowed Rs.5,000/- as medical expenses in the year 1992, which, in my view, are adequate. Rs.30,000/- have already been granted for loss of enjoyment and amenity of life. Considering the level of prices in the year 1992, the said compensation is proper and adequate. No ground to enhance the compensation is made out.

Appeal is dismissed accordingly.

10.04.2019

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No