

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1338-2000 (O&M)

Date of decision: 24.07.2019

Rajbeer Nath

.....Appellant

versus

Umesh Yadav and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.A.P.Bhandari, Advocate for the appellant
Mr.D.K.Dogra, Advocate for the respondent
Mr.Aseem Aggarwal, Advocate for the respondent

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?*

Kuldeep Singh, J. (Oral)

Appellant Rajbeer Nath has filed this appeal against the award dated 1.9.1999 passed by Motor Accident Claims Tribunal, Faridabad for short, 'the Tribunal'), vide which, on account of injuries received by him in a motor vehicle accident, compensation to the tune of Rs.30,000/- was awarded to him. He is not satisfied with the said compensation.

Brief facts which are required to be noticed for the disposal of the present appeal are that present appellant was a part of *Bhajan Mandali* which was returning from Delhi to Palwal on 23.9.1996 in a car bearing Registration Number DDU-9857 when it was hit by the offending truck bearing Registration Number BR-2-6921 being driven by respondent no.1 Umesh Yadav. The evidence led before the Tribunal shows that the

appellant suffered fracture of the left hand. 20 stitches were applied on his head and eye brows. Tribunal awarded compensation as under:-

<i>Medical bills</i>	<i>Rs.13000</i>
<i>Loss of income</i>	<i>Rs.9000/-</i>
<i>Pain and suffering</i>	<i>Rs.8000/-</i>

I have heard learned counsel for the parties and have carefully gone through the file.

Learned counsel for the appellant has argued that Dr.R.P.Gupta (PW6) has stated that though he charged Rs.6920/- but the claimant had to purchase medicines from outside also. It is contended that claimant remained admitted in various hospitals for 16 days. He had fracture on the skull as coming out from statement of Dr.S.L.Mehta (PW5). He had injury on the left eye and his upper eye lid was repaired by Dr.B.L.Bhardwaj (PW7). He had to purchase some other medicines also. Bills could not be procured for the small quantity of the medicines. Therefore, he spent much more than the bills produced before the Tribunal, which are the charges paid to the doctors and proved by them. It is further contended that on account of head injury and injury on the left eye, the claimant remained out of job for about 4 months. On account of loss of income and pain and suffering also, lesser amount has been awarded. Nothing has been awarded on account of transportation and special diet.

After hearing both the parties and going through the file, I am of the view that usually, in addition to the payment to the doctor, some medicines are purchased and for small quantity of medicines, sometime, bills are not issued by the Chemist. Considering that there was fracture on the skull and his left eye lid was repaired and he was also having injury on the left eye, I am of the view that some extra medical expenses might have

been incurred by the claimant. Therefore, in place of Rs.13000/- allowed for medical bills, Rs.19000/- are allowed for medical bills. For loss of income, Rs.9000/- have been allowed. Considering that there is loss of income for 4 months, Rs.12000/- are allowed. For pain and suffering, Rs.8000/- have been allowed. Considering that the appellant had to undergo treatment for about 4 months, he had also to visit various doctors and take special diet, a consolidated compensation of Rs.20000/-for pain and suffering, transportation and special diet are allowed. Total compensation comes to Rs.51,000/-. Compensation is enhanced from Rs.30000/- to Rs.51000/-. The enhanced compensation is ordered to be paid with interest @ 7.5 per annum from the date of filing of claim petition till realization.

Appeal is accordingly allowed.

24.07.2019

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No