

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 68 of 2007 (O&M)
Date of Decision : 24.05.2019

Kapil Gupta

.....Appellant

Versus

Ranbir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arun Singal, Advocate
for the appellant.

Mr. Satpal Bhasin, Advocate
for Mr. Harkesh Manuja, Advocate
for respondents no. 1 and 2.

Mr. R.C. Gupta, Advocate
for respondent no. 3.

Surinder Gupta, J. (Oral)

Heard.

Learned counsel for the appellant submits that though claimant-appellant due to injuries suffered by him in accident on 10.01.2005 with TATA 407 bearing registration no.HR-63-0701 had not suffered any permanent disability, yet compensation awarded by Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal') vide award dated 21.08.2006 towards expenses of attendant, transport charges and special diet are inadequate as claimant-appellant remained admitted in hospital for eight days. He had suffered compound fracture of right tibia and a person with such type of injury remains on bed for a period of more than three months and requires service of an attendant continuously during this period and also physiotherapy and special diet. He has sought enhancement of compensation

under the aforesaid heads, while not challenging compensation awarded under other pecuniary and non-pecuniary heads as awarded by Tribunal.

Learned counsel for respondent no. 3-Insurance Company submits that accident took place in the year 2005 and compensation awarded by the Tribunal towards attendant charges, transportation and special diet is adequate.

This fact is not disputed that claimant remained admitted in hospital from 10.01.2005 to 17.01.2005. He had suffered compound fracture and had to remain on bed for a quite long time. He required assistance of an attendant and had to spend on transport charges while going to doctor/physiotherapist. During the period of his recovery he also required special diet. The Tribunal has awarded compensation of ₹7500/- towards attendant charges, transport charges and special diet, which appears to be inadequate as for going to hospital/physiotherapist appellant required service of attendant. He had also to spend on transportation and on special diet for a period of about 3 to 4 months after his discharge from hospital. Keeping in view the period of hospitalization of claimant, nature of injury suffered by him and the period for which he was required to remain on bed, the compensation of ₹7500/- allowed by the Tribunal towards attendant charges, transportation charges and special diet is enhanced to ₹20,000/-.

As a sequel of my above discussion, this appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimant-appellant for the injuries suffered by him is enhanced from ₹80,932/- to ₹93,432/- (**rounded off to ₹93,450/-**). The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realization. Respondent No. 3

being insurer of the offending vehicle will deposit the share of claimant-appellant in his bank account or pay the same through demand draft.

May 24, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No