

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

202-4

FAO No.1918 of 2009 (O&M)

Date of decision: 17.07.2019

Sanjeev Kumar

... Appellant

Versus

Rajesh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashok Jindal, Advocate for the appellant.
Mr. Pardeep Goyal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

Sanjeev Kumar, the injured is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 23.09.2007.

The Tribunal awarded Rs.18,516/-, detailed hereunder:-

Reimbursement of medical expenses	Rs.11,516/-
Special diet	Rs.1000/-
Pain and sufferings	Rs.2000/-
Conveyance charges	Rs.2000/-
Loss of earnings	Rs.2000/-

Counsel for the appellant would argue that compensation for special diet, pain and sufferings, conveyance charges and loss of earnings is inadequate and may be enhanced. Another submission made by counsel is that claimant has filed an application seeking permission to adduce additional evidence for producing disability certificate whereby disability is assessed to the extent of 3%.

Counsel representing the insurance company, on the contrary, has supported assessment made by the Tribunal. However, he would state that some amount may be paid in respect of disability suffered by the victim.

Perusal of copy of the disability certificate would reveal that injured suffered 3% disability on account of stiffness of wrist and elbow. He is awarded Rs.6000/- @ Rs.2000/- per percent in respect of disability.

The injured remained hospitalised for a period of five days. As per testimony of Dr. Rajesh Badyal, MS Ortho, Bibi Wala Road, Bathinda PW1, Sanjeev Kumar sustained fracture on left upper limb (ulna) and

was operated upon. In view of medical evidence on record, claimant is awarded additional sum of Rs.4000/- under the heads for which compensation has been allowed by the Tribunal. The additional amount of Rs.10,000/- shall be payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

17.07.2019

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No
Yes / No