

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

**FAO No.1261 of 2013 (O&M)  
Date of Decision: April 29, 2019.**

Gurmukh Singh

.....APPELLANT(s).

**VERSUS**

Sukhdev Singh and others

.....RESPONDENT(s).

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Madan Bhandari, Advocate for  
Mr. N.K. Manchanda, Advocate  
for the appellant (s).

Mr. Pardeep Goyal, Advocate  
for respondent No.3-insurance company.

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**SURINDER GUPTA, J.**

This is appeal against the award dated 13.08.2012 passed by Motor Accident Claims Tribunal, Fatehgarh Sahib (later referred to as the tribunal), whereby a compensation of ₹1,33,121/- was awarded to the appellant-claimant for the injuries suffered by him in a motor vehicle accident with Sonalika tractor bearing registration No.PB-13-H-2465.

As the only issue pressed in this appeal relates to quantum of compensation as awarded by tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded by the tribunal was computed as follows:-

| <i>Sl.No.</i> | <i>Head of compensation</i>                 | <i>Amount</i> |
|---------------|---------------------------------------------|---------------|
| (i)           | Compensation on account of Medical expenses | ₹98121        |
| (ii)          | Compensation on account of special diet     | ₹4000         |

| <i>Sl.No.</i> | <i>Head of compensation</i>                          | <i>Amount</i> |
|---------------|------------------------------------------------------|---------------|
| (iii)         | Compensation on account of pain and suffering        | ₹10000        |
| (iv)          | Compensation on account of attendant charges         | ₹6000         |
| (v)           | Compensation on account of conveyance charges        | ₹5000         |
| (vi)          | Compensation on account of loss of enjoyment of life | nil           |
| (vii)         | Compensation on account of loss of income            | ₹10000        |
| (viii)        | Compensation on account of loss of earning capacity  | nil           |
| <i>Total</i>  |                                                      | ₹1,33,121/-   |

Learned counsel for the appellant-claimant has argued that the appellant was driver by profession and due to the injuries suffered by him in the accident, he is unable to drive any vehicle as his regular movements have been restricted to a great extent.

The above contention of learned counsel for the appellant-claimant is not supported by any medical evidence. Dr. Hemant Kaushal, who had treated the appellant, while appearing as CW2, has stated that appellant was discharged in satisfactory condition and there was no permanent disability at the time of his discharge. No other evidence to support the contention of learned counsel for the appellant that there is restriction in the movements of hand of the appellant, is available on record.

The evidence on record shows that appellant remained admitted in hospital from 19.09.2010 to 25.09.2010 and again from 24.09.2011 to 29.09.2011. During his second admission, he was again operated upon. This shows that he had remained under constant pain and disability for a period of about one year after the accident.

Keeping in view the above, the compensation allowed by the

tribunal for loss of income as ₹10,000/- is enhanced to ₹25,000/-; for pain

and suffering ₹10,000/- to ₹15,000/- and for special diet and attendant charges from ₹10,000/- to ₹15,000/-.

As a sequel of my above discussion, the compensation to which the appellant-claimant is entitled, is recalculated as follows:-

| <i>Sl.No.</i> | <i>Head of compensation</i>                                                | <i>Amount</i> |
|---------------|----------------------------------------------------------------------------|---------------|
| (i)           | Compensation on account of Medical expenses (as awarded by the tribunal)   | ₹98121        |
| (ii)          | Compensation on account of special diet                                    | ₹6500         |
| (iii)         | Compensation on account of pain and suffering                              | ₹15000        |
| (iv)          | Compensation on account of attendant charges                               | ₹8500         |
| (v)           | Compensation on account of conveyance charges (as awarded by the tribunal) | ₹5000         |
| (vi)          | Compensation on account of loss of enjoyment of life                       | nil           |
| (vii)         | Compensation on account of loss of income                                  | ₹25000        |
| (viii)        | Compensation on account of loss of earning capacity                        | nil           |
| <i>Total</i>  |                                                                            | ₹1,58,121/-   |

The appeal is accordingly allowed. Compensation awarded to the appellant-claimant is enhanced from ₹1,33,121/- to ₹1,58,121/-. The appellant-claimant shall be entitled to the interest on the enhanced compensation amount @ 7.5% per annum, from the date of filing of the appeal till its realisation. He is also entitled to the costs of this appeal. The liability to pay the amount of compensation shall be as per the award. Respondent-insurance company will deposit the enhanced amount of compensation in the bank account of appellant-claimant or pay the same through demand draft.

April 29, 2019.  
Sachin M.

( SURINDER GUPTA )  
JUDGE

**Whether speaking/reasoned:**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**