

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

-.-

FAO 10002 of 2014 (O&M)

Date of decision: 08.05.2019

Subhash alias Chuhara

.....*Appellant*

Versus

Ramjit Lal and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Barjinder Singh, Advocate
for the appellant

Mr. Sanjeev Goyal, Advocate
for respondent No.3

-.-

Rekha Mittal, J. (Oral)

CM 27675 CII of 2014

Prayer in this application is for condoning delay of 97 days in
filing the appeal.

Heard.

In view of averments made in the application supported by an
affidavit and arguments advanced, the application is allowed and delay of
97 days in filing the appeal stands condoned.

Main case

The claimant is in appeal seeking enhancement of
compensation on account of injuries sustained in a motor vehicular accident
that took place on 28.01.2013.

The Tribunal awarded Rs.96,925/-, detailed hereunder:-

-Medical expenses

Rs.87,425/-

-Pain and suffering Rs.7,500/-

-Transportation and special diet etc. Rs.2,000/-

Counsel for the appellant would argue that in view of nature of injuries sustained, referred to in para 17 of the award, proved by Dr. Aswini Bose, MS General Surgery, Park Hospital, Gurgaon (PW6) on the basis of medico legal report Ex.PW6/A, the appellant is entitle to compensation for loss of income during the period of treatment and recovery, services of an attendant, adequate compensation for pain and sufferings and special diet etc.

Counsel for the insurance company would state that since the appeal against respondent No. 2, owner of the offending vehicle has been dismissed vide order dated 14.01.2019, the insurance company cannot be fastened with liability to pay additional compensation, if any, assessed by this Court. He would further apprise the Court that the insurance Company was exonerated of liability to pay compensation, in view of findings recorded in para 24 of the award.

Dr. Aswini Bose (PW6), in the light of MLR Ex PW6/A would state that the injured had lacerated wound on forehead, swelling on left eye, abrasion over left shoulder with fracture left clavicle. Due to head injury, he referred the patient to Neuro Surgeon. He proved a copy of brain CT head and spine.

Taking a sympathetic and reasonable view in the light of injuries sustained by the victim, the appellant is awarded additional compensation of Rs.10,000/- towards loss of income during the period of treatment and recovery, services of an attendant, transportation and special

diet etc. The additional amount shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable only by respondent No. 1.

In view of what has been discussed hereinabove, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

08.05.2019
Mohan Bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No