

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

Date of decision: 26.02.2019
FAO No.1109 of 2014 (O&M)

Ravinder Singh ... Appellant

Versus

Suresh Kumar and others ... Respondents

FAO No.1110 of 2014 (O&M)

Mohini Devi ... Appellant

Versus

Suresh Kumar and others ... Respondents

FAO No.1111 of 2014 (O&M)

Chagan Singh ... Appellant

Versus

Suresh Kumar and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Jagjit Gill, Advocate
for the claimant(s).

Mr. V. Ramswaroop, Advocate
for the insurance company.

Mr. Pankaj Mehta, Advocate
for respondents No.5 to 7.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.1109 to 1111 of 2014 as
these have emerged out of the same award dated 30.10.2013 passed by the

Motor Accidents Claims Tribunal, Sirsa whereby compensation has been assessed on account of injuries sustained by Ravinder Singh, Mohini Devi and Chagan Singh in a motor vehicular accident that took place on 18.07.2011.

FAO No.1109 of 2014

The Tribunal has awarded Rs.1,28,760/-, detailed hereunder:-

- | | |
|------------------------|---------------|
| 1. Medical Bills | Rs.1,13,760/- |
| 2. Loss of earnings | Rs.5000/- |
| 3. Pain and sufferings | Rs.10,000/- |

Counsel for the appellant would contend that compensation awarded by the Tribunal for pain and sufferings and loss of earnings is on lower side. The claimant is entitle to compensation for services of an attendant, special diet etc.

Counsel representing the insurance company has supported assessment made by the Tribunal with the submission that the treating doctor was not examined nor there is clear evidence on record with regard to exact nature of injuries sustained by the victim.

The Tribunal has allowed reimbursement of medical expenses based upon bills valued Rs.1,13,760/- and the same is affirmed. Ravinder Singh, the injured victim appeared in the witness box and stated that he remained admitted in Sarvodya Mutli Specialty Hospital, Hisar from 18.07.2011 to 25.07.2011 and operated upon for tibia fracture. His testimony with regard to his admission and discharge from the aforesaid

hospital gets corroborated from the statement of Dr. BL Bagri, Medical Superintendent. Dr. BL Bagri in his affidavit by way of examination in chief has deposed that Ravinder Singh was having multiple fractures but he was treated by the orthopedic surgeon. Taking into consideration the materials on record, claimant is allowed additional amount of Rs.5000/- for pain and sufferings. He is awarded sum of Rs.5000/- for services of an attendant and special diet etc.

The Tribunal has awarded a sum of Rs.5000/- for loss of earnings. Taking a view from the above, claimant shall be entitle to additional amount of Rs.5000/- for loss of earnings during the period of treatment and recovery. In this manner, claimant is entitle to a sum of Rs.15,000/-, payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

FAO No.1110 of 2014

The Tribunal has awarded Rs.15,189/- i.e. Rs.5189/- for medical bills and Rs.10,000/- for pain and sufferings.

I have gone through findings of the Tribunal but find that there is no justification for allowing compensation over and above what has been assessed by the Tribunal.

In view of the above, the appeal stands disposed of.

FAO No.1111 of 2014

With regard to injuries sustained by Chagan Singh, the

Tribunal has awarded Rs.1,48,584/-, detailed hereunder:-

1. Disability	Rs.15,000/-
2. Medical bills	Rs.1,13,584/-
3. Loss of earnings	Rs.10,000/-
4. Pain and sufferings	Rs.10,000/-

Counsel for the appellant would argue that the injured has suffered disability to the extent of 15% and accordingly he may be allowed adequate compensation under the head of disability. It is further argued that compensation allowed for loss of earnings, pain and sufferings is also on lower side. The claimant may be allowed compensation for special diet and services of an attendant etc.

Counsel representing the insurance company, on the contrary, has supported assessment made by the Tribunal with the submission that disability suffered by the victim is temporary in nature, as per disability certificate Ex.P28, therefore, the Tribunal has rightly allowed a sum of Rs.15,000/- in this regard.

The Tribunal has allowed reimbursement of medical bills to the tune of Rs.1,13,584/- and the same is affirmed. Dr. BL Bagri, Medical Superintendent, Sarvodaya Multi Specialty Hospital, Hisar by way of his affidavit Ex.PW2/A has deposed that Chagan Singh was admitted in hospital on 18.07.2011 and discharged on 02.08.2011. He has further stated that patient was advised NCCT head which shows Diffuse Cerebral Cortical Atrophy and Scalp Haematoma in right temporo parietal region.

He was operated by Dr. Chawla, Orthopedic Surgeon and also treated by Neuro Surgeon, Orthopedic Surgeon and Eyes Specialist.

No doubt, the claimant did not examine the Orthopedic Surgeon, Neuro Surgeon and Eye Specialist who gave treatment to him. Taking into consideration testimony of the claimant coupled with statement of Dr. BL Bagri, interest of justice commands that the claimant is allowed additional amount of Rs.25,000/- under the heads loss of earning, pain and sufferings and additional heads namely special diet, services of an attendant etc. The additional amount shall carry interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

26.02.2019

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(REKHA MITTAL)
JUDGE

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