

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

220

FAO-24-2016 (O&M)

Date of decision: 10.07.2019

BALRAJ

... Appellant

Versus

RAJU & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Chander S. Singhal, Advocate for the appellant.
None for respondents No.1 and 2.

REKHA MITTAL, J. (Oral)

Counsel for the appellant has supplied attested copies of statements of witnesses examined in the case and the same are taken on record.

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 02.05.2014.

The Tribunal awarded Rs.1,07,000/-, detailed hereunder:-

Medical expenses	Rs.70,000/-
Pain and sufferings/disability	Rs.20,000/-
Nutritious diet	Rs.6000/-
Attendant charges	Rs.6000/-
Transportation charges	Rs.5000/-

Counsel for the appellant would argue that the Tribunal has awarded a paltry sum of Rs.20,000/- for pain and sufferings/disability but the appellant has suffered permanent disability to the extent of 10%. Compensation allowed by the Tribunal under various other heads like Nutritious diet, attendant charges, transportation charges is also on lower side. No compensation has been allowed by the Tribunal with regard to loss of income during the period of treatment and recovery.

There is no representation on behalf of respondents No.1 and 2, earlier being represented by a counsel.

The Tribunal has awarded Rs.70,000/- for medical expenses based upon bills and the same is affirmed.

The claimant examined Dr. RK Mehendiratta, Mehendiratta

Hospital, Ambala City to prove nature of injuries and treatment. The witness has deposed that injured was found to be suffering from deep lacerated wound of the left leg with deep degloving injuries with fracture fibula. He was operated on 02.05.2014 under anaesthesia and repair of the wound was done and the patient was discharged on 15.05.2014. Meaning thereby that the injured remained hospitalised for a period of 13 days and he had undergone one operation on second day of his admission. Dr. Pavneesh Aggarwal, Medical Officer, General Hospital, Ambala City was examined to prove disability suffered by the victim. He has testified that case of Balraj was a case of post-traumatic uniting fracture, fibula with muscle grafting left leg and mild muscle weakness and neuritis, left lower limb. The medical board assessed his disability to the extent of 10% and disability certificate is Ex.P6. In his cross examination, he would depose that there are very little chances of improvement of disability. Taking into consideration the nature of injuries sustained by the victim coupled with period of treatment as an indoor patient and the victim having been rendered disable to the extent of 10%, he is awarded additional sum of Rs.20,000/- under the head pain and sufferings/disability.

The claimant shall be entitle to loss of income during the period of treatment and recovery for a period of 2 months @ Rs.5500/- per month and the same is Rs.11,000/-. Compensation awarded by the Tribunal with regard to special diet, attendant charges, transportation charges to the tune of Rs.17,000/- in all is enhanced to Rs.20,000/- (additional amount of Rs.3000/-). In this manner, the additional amount of Rs.34,000/- 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.

10.07.2019

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No
Yes / No