

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

211

FAO-5936-2013

Date of Decision : July 02, 2019

MINTU TANWAR

.....Appellant

VERSUS

VIPIN SINGH NEGI & ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Ashok Tyagi, Advocate
for the appellant.

Mr. Ankit Kaushal, Advocate
for respondents No.1 and 2.

Mr. Sanjeev Kodan, Advocate
for respondent No.3.

NIRMALJIT KAUR, J. (Oral)

The present appeal has been filed for enhancement.

Admittedly, it is an injury case and there is no disability. A total compensation was assessed at Rs.12,87,000/- out of which Rs.11,62,000/- was towards the medical expenses. While praying for enhancement, learned counsel for the appellant submitted that the appellant remained admitted in the hospital for 45 days. His eyes were injured and no compensation or amount towards loss of income has been granted. It is further stated that the amount towards pain and suffering is also inadequate.

Learned counsel for respondent No.3, on the other hand, has very fairly stated that although some amount towards pain and agony and

hospitalization should be enhanced yet no amount towards loss of income can be awarded.

Heard.

Admittedly, there is no disability. However, the amount of Rs.5,000/- awarded towards pain and suffering is inadequate. Taking into account that the appellant remained hospitalized for almost 45 days, the amount deserves to be enhanced towards the said head.

In view of the above and after hearing learned counsel for the parties, this Court finds that the amount of Rs.5,000/- towards pain and suffering and hospitalization as well as towards diet and nutrition as also attendant charges requires to be enhanced to a lump sum of another amount of Rs.1,50,000/-. However, taking into account that there was no loss of income to the appellant, no amount can be awarded towards the same as the appellant has not been able to prove the loss towards income during the period of hospitalization or future. Hence, no amount can be awarded towards the same.

Accordingly, the present appeal is partly allowed only to the extent of enhancing the amount of Rs.5,000/- towards pain, suffering and hospitalization, diet, nutrition, attendant charges to Rs.1,50,000/-. However, the appellant is not held entitled to the grant of interest.

Learned counsel for respondent No.3 states that they shall deposit the enhanced amount of Rs.1,50,000/- by way of demand draft in the name of the appellant before the branch of Lok Adalat of this Court within one month from today which shall thereafter be disbursed to the

appellant on an application moved by him.

However, in case the said amount is not deposited within one month from today, the same shall be paid alongwith 12% interest from the expiry of one month till payment.

July 02, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No