

In the High Court of Punjab and Haryana at Chandigarh

FAO- 4679 of 2015(O&M)
Date of Decision: 13.5.2019

Shiv Kumar @ Tony

---Appellant

versus

Bijender Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Dalbir Singh, Advocate
for the appellant**

**Ms. Manjeet Kaur, Advocate,
for Ms. Vandana Malhotra, Advocate
for the insurance company**

Rekha Mittal, J.
CM No. 14619-CII of 2015

Prayer in this application is for condoning delay of 106 days
in filing the appeal.

In view of averments made in the application supported by
affidavit of the appellant coupled with that provisions of the Motor Vehicles
Act for grant of compensation are benevolent social legislation to save the
victim family from financial loss caused due to accident, the application is
allowed, delay of 106 days in filing the appeal stands condoned subject,
however, to the condition that in case the compensation is enhanced, the
applicant-appellant shall not be entitle to interest for the period of delay.

Disposed of accordingly.

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 17.10.2011.

The Motor Accidents Claims Tribunal, Bhiwani (in short “the Tribunal”) awarded Rs.69,896/-, detailed hereunder:-

Reimbursement of medical expenses	Rs. 29,896/-
Special diet	Rs. 10,000/-
Pain and sufferings	Rs. 20,000/-
Transportation charges	Rs. 10,000/-

Counsel for the appellant would argue that the Tribunal has not awarded compensation with regard to future medical treatment. It is further argued that the claimant was operated upon on 20.10.2011 due to fracture of left leg and he would need further medical intervention for removal of rod inserted in his leg. He has not been allowed loss of income during the period of treatment and recovery.

Counsel representing the insurance company, on the contrary, has supported assessment made by the Tribunal.

The Tribunal, in para 16 of the award, has noticed that Dr. Anil Goyal, Medical Officer, Jindal Hospital, Hisar has deposed that Shiv Kumar @ Tony was admitted in that hospital for treatment and operated upon on 20.10.2011 as there was fracture on his left leg and the patient was discharged on 23.10.2011.

Perusal of findings of the Tribunal would reveal that the Tribunal has shown magnanimity in allowing compensation under various heads. However, the claimant has not been allowed compensation for loss of income during the period of treatment and recovery. Keeping in view the above, the claimant is allowed Rs. 10,000/- for loss of income during the

period of treatment and recovery.

Contention of the appellant with regard to future medical treatment does not find corroboration from medical evidence and as such claim in this regard is rejected.

The additional sum of Rs.10,000/- shall carry interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 106 days in filing the appeal.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

13.5.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No