

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

250

FAO No.4118 of 2016 (O&M)

Date of decision: 14.01.2019

KRISHAN KUMAR @ KRISHAN SINGH

... Appellant

Versus

MUNISH GUPTA AND ANR.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. D.S. Gurna, Advocate for the appellant.
Mr. Vipul Sharma, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.14035-CII of 2016

Heard.

Allowed as prayed for. Delay of 5 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 29.10.2014.

The Tribunal has awarded compensation of Rs.94,889/-, but the claimant has been paid 50% thereof as 50% negligence has been attributed to the injured victim.

Counsel for the appellant has pressed for enhancement of compensation with regard to loss of income during the period of treatment and recovery and pain and sufferings. The Tribunal has awarded a sum of Rs.14,000/- @ Rs.7000/- per month with regard to loss of income during period of treatment and recovery and an amount of Rs.10,000/- for pain and sufferings.

Counsel for the insurance company has supported findings of the Tribunal on different aspects involved in the case.

Dr. Avinash, Trauma Unit-I, PGI, Chandigarh PW2 has deposed that the injured was admitted in the hospital on 30.10.2014 due to fracture of right shaft in locint fracture with right tibia and the patient had undergone

surgery of right shaft on the said date and next surgery was conducted on 11.11.2014 (wrongly recorded as 11.01.2014) and was discharged on 13.11.2014.

Indisputably, the injured remained hospitalised for a period of 13 days. He sustained fracture of right shaft in locint fracture with right tibia. Taking into consideration the nature of injuries sustained coupled with the period of hospitalisation, claimant shall be entitle to loss of income during the period of treatment and recovery to the extent of Rs.21,000/- @ Rs.7000/- per month for a period of three months (additional amount of Rs.7000). Claimant is allowed compensation to the tune of Rs.15,000/- for pain and sufferings (additional sum of Rs.5000/-). The claimant is further held entitle to a sum of Rs.10,000/- for expenses on special diet, transportation and services of an attendant. The additional amount of Rs.22,000/- to the extent of 50% i.e. Rs.11,000/- 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.

14.01.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No