IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

-.-

FAO 5210 of 2016 (O&M)
Date of decision: 04.10.2019

Rahul .....*Appellant*

Versus

Same Singh and others .....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Vikas Chatrath, Advocate
for the appellant (appointed as amicus curiae)

Mr. Sandeep Suri, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

CM No. 17681CII of 2016

Prayer in this application is for condoning delay of 53 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit and arguments advanced, the application is allowed and delay of 53 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 28.01.2015.

The Tribunal awarded Rs.4,87,400/-, detailed hereunder:-

MOHAN LAL BIMBRA
2019.10.15 11:33
I attest to the accuracy and
integrity of this document

-Towards Medical treatment	Rs.3,97,400/-
-Towards expenses on special diet and attendant costs	Rs.30,000/-
-Towards pain and suffering, loss of future amenities of life and future medical expenses	Rs.30,000/-
-Towards Transport expenses	Rs.30,000/-

Counsel for the appellant (appointed as amicus curiae) would argue that the Tribunal has allowed reimbursement of medical expenses based upon bills to the tune of Rs.3,97,400/-. It is argued that in view of the period of treatment from 28.01.2015 to 14.03.2015 in three different hospitals, claimant might have not been able to maintain all the bills in respect of his medical expenses and he may be extended benefit in this regard. It is further argued that compensation allowed for special diet, pain and sufferings also needs enhancement. Counsel would apprise that the injured was a student of Plastic Engineering in Central Institute of Plastic Engg. and Technology, Murthal University, Murthal, Sonepat.

Counsel representing the insurance company, on the contrary would argue that the claimant has been adequately compensated.

The Tribunal, in para 13 of the award, has noticed that Sanjay Soni, Medical Officer, Soni Burns and Plastic Surgery Centre, Panipat (PW7) had stated that the patient had now fully recovered. The claimant has been reimbursed in respect of medical expenses based upon bills and receipts produced on record.

Counsel for the appellant has failed to point out any material on record whereby the claimant has sought to assert for grant of compensation towards medical treatment over and above the value of bills/receipts

MOHAN LAL BIMBRA
2019.10.15 11:33
I attest to the accuracy and
integrity of this document

available on record. That being so, contention of the appellant for allowing additional compensation for medical treatment is not tenable.

The injured remained admitted in three different hospitals during his treatment from 28.01.2015 to 14.03.2015. In view of the above, the claimant is awarded additional sum of Rs.15,000/- under head nos. 2 to 4, for which compensation is allowed by the Tribunal, payable with interest at the rate of 7.5% per annum from the date of petition till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

04.10.2019
Mohan Bimbra

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

MOHAN LAL BIMBRA
2019.10.15 11:33
I attest to the accuracy and
integrity of this document