

In the High Court of Punjab and Haryana at Chandigarh

FAO- 6239 of 2016
Date of Decision: 1.3.2019

Sandeep

---Appellant

versus

Joginder and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sandeep Lather, Advocate
for the appellant

Mr. S.P.Arora, Advocate,
for the insurance company

Rekha Mittal, J.

The claimant is in appeal seeking enhancement of compensation on account of injury sustained in a motor vehicular accident that took place on 20.6.2014.

The Motor Accidents Claims Tribunal, Jind (in short “the Tribunal”) has awarded Rs.30,000/-, detailed hereunder:-

Medical expenses	Rs. 15,000/-
Physical pain, mental agony & loss of earnings	Rs. 10,000/-
Attendant charges, special diet and transportation charges	Rs. 5000/-

Counsel for the appellant would argue that compensation allowed by the Tribunal for pain and loss of earning to the tune of Rs. 10,000/- and Rs. 5000/- qua services of an attendant, special diet and expenses on transportation is grossly inadequate and liable to be enhanced.

To bring home his contention, it is argued that injured suffered fracture SOF right and was operated during his treatment in PGIMS Rohtak from 20.6.2014 to 26.6.2014.

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

The Tribunal has allowed reimbursement of medical expenses on the basis of bills/documents coupled with that it may not be possible for the injured to maintain records of all the expenses and the same is affirmed. The injured belongs to village Dorad, Tehsil Julana District Jind but he remained under treatment for six days in PGIMS Rohtak. SOF is the fracture of femur. Taking into consideration nature of injury sustained coupled with the period of treatment as an indoor patient, interest of justice would be served if the claimant is awarded additional amount of Rs. 15,000/- for pain, loss of earning, services of an attendant, special diet and transportation etc. The additional amount shall carry interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

1.3.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No