

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 215

Date of Decision: *April 01, 2019*

1.

FAO No.9392 of 2014 (O & M)

Deep Chand

..... APPELLANT

VERSUS

Bhawal @ Puran & others

..... RESPONDENT(S)

. . .

2.

FAO No.4852 of 2015 (O & M)

Billu

..... APPELLANT

VERSUS

Bhawal @ Puran & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

. . .

PRESENT: - Mr. Johan Kumar, Advocate, for the appellant.

None for the respondents.

. . .

Rekha Mittal, J (Oral)

This order shall dispose of FAO No.9392 of 2014 and FAO No.4852 of 2015 as these have emerged out of same award dated 25.07.2014 passed by the Motor Accident Claims Tribunal, Faridabad (in short, 'Tribunal'), whereby compensation has been assessed on account of injuries sustained by Deep Chand and Billu in a motor vehicular accident that took place on 31.01.2012.

FAO No.9392 of 2014 has been filed by Deep Chand seeking enhancement of compensation whereas the other appeal (FAO No.4852 of 2015) has been preferred by Billu for the same relief.

FAO No.9392 of 2014

The Tribunal has awarded ₹ 1,70,527/-, detailed hereunder:

1. Pain & sufferings and special diet	₹ 10,000/-
2. Bills	₹ 1,26,527/-
3. Stay in hospital	₹ 19,000/-
4. Loss of income	₹ 15,000/-

Total **₹ 1,70,527/-**

Counsel for the appellant would argue that the injured suffered fracture femur (A-O Type C2), Fracture Proximal Tibia with fracture both bones leg at distal third fracture Patella PCL Avulsion Fracture right side, reflected in discharge summary Ex.P10/ Ex.P17. He was operated twice in JPNA Trauma Centre.

Counsel for the appellant would argue that compensation awarded by the Tribunal for pain & sufferings and special diet to the tune of ₹ 10,000/- is grossly inadequate and needs to be enhanced. It is further argued that the injured remained hospitalized with effect from 01.02.2012 to 08.03.2012. Claimant may be allowed compensation for transportation expenses.

There is no representation on behalf of respondent Nos.1 and 2, earlier being represented by Mr. Ashok Kaushik, Advocate despite intimation sent by the Registry of this Court.

Keeping in view the nature of injuries sustained, period of hospitalization coupled with the fact that injured had undergone two operations, interest of justice commands that the claimant is awarded an additional amount of ₹ 20,000/- for pain & sufferings, special diet and

transportation expenses. 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.

FAO No.4852 of 2015

With regard to injuries sustained by Billu, the Tribunal has awarded ₹ 1,17,306/-, detailed hereunder:-

1. Pain & sufferings and special diet	₹ 10,000/-
2. Bills	₹ 81,306/-
3. Stay in hospital	₹ 11,000/-
4. Loss of Income	₹ 15,000/-
Total	₹ 1,17,306/-

Counsel for the appellant would argue that the injured suffered fracture shaft femur, right femur IC, right tibial plateau and was operated for same as reflected in discharge summary Ex.P9/ Ex.P19. He remained hospitalized for the period of 21 days.

In view of findings recorded in FAO No.9392 of 2014, the injured is awarded an additional amount of ₹ 15,000/- for pain & sufferings, special diet and expenses of transportation and the same shall carry interest @ 7.5% per annum from the date of filing of petition till realization.

The appeal is partly allowed in the aforesaid terms.

April 01, 2019
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(Rekha Mittal)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No