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

FAO-8304-2015

Date of Decision: September 06, 2019

Sukhwinder Singh

.....Appellant

Versus

Jaspal Singh and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.B.S.Guliani, Advocate
for the appellant.

Mr.Swarn Tiwana, Advocate for
Mr.Gitish Bhardwaj, Advocate
for respondent No.2.
Ms.Shamsher Kaur, Advocate
for respondent No.3.

.....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellant while praying for enhancement submitted that the amount awarded to the injured-claimant is on the lower side, inasmuch as the appellant has suffered serious injuries. He was hospitalized upto 12.01.2014 in Rajindra Hospital, Patiala from where he was referred to PGI, Chandigarh. They have spent almost ₹6.00 lacs but somehow, the bills were not retained by the parents. He was hospitalized for almost one month, i.e. from 07.12.2013 to 12.01.2014 (from 07.12.2013 to 19.12.2013 on ventilator), however, in spite of all this only ₹40,000.00 were awarded towards pain and suffering and ₹35,000.00 towards medical bills. The injuries suffered by the appellant were internal in nature including lungs and liver injuries. In no circumstances, it can be said

that a person who is admitted in PGI for almost one month and remained on ventilator also, only limited amount of Rs.35,000.00 was spent towards medical expenses. Therefore, it is quite believable that the appellant has not retained the medical bills. In case some amount is enhanced for the medical treatment alone, the amount would be almost four times more than that is being granted. Similarly nothing has been awarded towards loss of income etc.

Taking into consideration all these facts, this Court deems it proper to enhance a lumpsum amount under the above mentioned various heads by another ₹90,000.00.

The enhanced amount of ₹90,000.00 be paid to the appellant-claimant alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

September 06, 2019
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(**NIRMALJIT KAUR**)
JUDGE

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|--------------------------------|--------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |