

In the High Court of Punjab and Haryana at Chandigarh

FAO- 1553 of 2015 (O&M)

Date of Decision: 2.11.2019

Inderjit Singh

---Appellant

versus

Bajaj Allianz Insurance Company Limited and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. P.C.Chaudhary, Advocate for the appellant
None for the insurance company**

Rekha Mittal, J.

CM No. 26934-CII of 2018

Heard.

Allowed as prayed for. Documents Annexures A-1 to A-4 are
taken on record, subject to just exceptions.

CM No. 27192-CII of 2017

Prayer in this application is for condoning delay of 72 days in
refiling the appeal.

Heard.

Allowed as prayed for. Delay of 72 days in refiling the appeal
stands condoned.

CM No. 4451-CII of 2015

Prayer in this application is for condoning delay of 16 days in
filing the appeal.

Heard.

Allowed as prayed for. Delay of 16 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 2.6.2008.

The Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (in short “the Tribunal”) awarded Rs.25,659/-, detailed hereunder:-

Pain and sufferings	Rs. 5000/-
Loss of income	Rs. 6000/-
Medical expenses	Rs. 12,159/-
Attendant charges	Rs. 1500/-
Transportation charges	Rs. 1000/-

In addition, he was awarded Rs. 3460/- for damage to the motor cycle.

Counsel for the appellant would argue that compensation allowed under various heads is grossly inadequate and merits enhancement. It is further argued that injured remained hospitalized in Kohli Hospital, Jagadhri from 2.6.2008 to 9.6.2008 and visited that hospital as an out door patient on 30.6.2008 and 8.7.2008. It is further submitted that he suffered crack of acetabulum right hip joint, evidenced by medico legal report prepared in Kohli Hospital, Jagadhri and marked as Ex. P13. Appellant has not been awarded compensation with regard to special diet.

There is no representation on behalf of the insurance company earlier represented by a counsel.

The injured was shifted to Civil Hospital and injuries noticed in medico legal report are reproduced in para 13 of the award. The claimant

examined Dr. Vijay Dahiya from Civil Hospital and Dr. Dinesh Kaushik from Kohli Hospital, Jagadhri. As per medico legal report prepared at civil hospital, injured sustained five injuries. There was pain and tenderness in right hip and right upper thigh, noticed against injury No. 3. In the medico legal report prepared at Kohli hospital, X-Ray pelvis showed crack # of acetabulum hip joint. Dr. Dinesh Kaushik stated that during hospitalization, appellant was given conservative treatment in the form of continuous pelvic traction and medication. The injured was discharged from hospital after seven days and he visited the hospital for out door treatment on 30.6.2008 and 8.7.2008. Dr. Dinesh Kaushik has not given any opinion as to how much more time was required for the injured to recover from his condition because of crack of acetabulum right hip joint. In the given circumstances, interest of justice would be served if claimant is awarded additional amount of Rs. 20,000/- for pain and sufferings, loss of income, attendant charges, transportation and special diet. 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

2.11.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No