

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

FAO No. 1809 of 2014(O&M)

Date of decision: 14.3.2019

Jagtar Singh @ Kaka

.....Appellant

VERSUS

Tara Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. M.S. Dhaliwal, Advocate for the appellant.

Ms. Asha Rani, Advocate for
Mr. Arihant Goyal, Advocate for respondents No.1 and 2.

Mr. Satpal Dhamija, Advocate for the insurance company.

REKHA MITTAL, J.

CM No.6289-CII of 2014

Prayer in this application is for condoning delay of 44 days in re-filing the appeal.

Heard.

In view of averments made in the application and submissions made, the same is allowed. Delay of 44 days in re-filing the appeal stands condoned.

Disposed of accordingly.

CM No.6291-CII of 2014

Prayer in this application is for condoning delay of 650 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Jagtar Singh @ Kaka – appellant and submissions made, the application is allowed. Delay of 650 days in filing the appeal stands condoned, subject to the condition that in case the appellant succeeds in appeal, he will forgo interest for the period of delay.

Disposed of accordingly.

FAO No.1809 of 2014

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 27.11.2009.

The Motor Accidents Claims Tribunal, Sangrur (in short ‘the Tribunal’) has awarded Rs.4,72,198/- detailed hereunder:-

Medical expenses	Rs.313,638/-
Pain and suffering	Rs.10,000/-
Loss of future earnings	Rs.1,42,560/-
Loss of income during treatment	Rs.6,000/-

Counsel for the appellant would argue that the injured received treatment as an indoor patient in DMC Ludhiana for a period of about 2 months but the Tribunal has not allowed any compensation for expenses on transportation and special diet. Another submission made by counsel is that after passing of the award, the claimant got further treatment and an application under Order 41 Rule 27 read with Section 151 CPC for permission to place on record medical bills and receipts of transportation charges (Annexure A-1 to A-3) by way of additional evidence has been filed.

Counsel for the claimant has produced before the Court original documents in respect of medical expenses to the tune of Rs.49,214/-.

Counsel for the insurance company has not raised any serious objection with regard to entitlement of the claimant to medical expenses based upon original bills produced by way of additional evidence before this Court. He would further inform that right of recovery given in favour of the insurance company has been set aside in FAO No.1073 of 2012 filed by the registered owner and as such the insurance company has been held jointly and severally liable to pay compensation to the claimant.

Counsel representing respondents No.1 and 2 would endorse the concession recorded by counsel for the insurance company with regard to setting aside recovery right given in favour of the insurer.

The appellant shall be entitle to Rs.49,214/- for expenses on future medical treatment. Taking into consideration the period of treatment as an indoor patient, before passing of the award and subsequent thereto, claimant is allowed a sum of Rs.20,000/- for special diet and expenses on transportation. The additional compensation of Rs.69,214/- shall carry interest at the rate of 7.5% per annum from the date of petition till realisation except for the period of delay of 650 days in filing the appeal.

The appeal is partly allowed in the aforesaid terms.

MARCH 14, 2019
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no