

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

212

FAO-10111-2014 (O&M)

Date of decision: 02.03.2020

FATEH SINGH

... Appellant

Versus

VIRENDER KUMAR & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. KS Khaira, Advocate for the appellant.
Mr. Pardeep Kumar, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking additional compensation on account of injuries sustained in a motor vehicular accident that took place on 23.09.2011.

On calculation of the compensation awarded by the Tribunal under various heads, the total comes to Rs.3,63,129/- but the Tribunal awarded Rs.3,90,000/- in round figure, detailed hereunder:-

Reimbursement of medical expenses	Rs.70,769/-
For fracture and surgery	Rs.12,500/-
Transportation	Rs.5000/-
Special diet and attendant charges	Rs.10,000/-
Loss of future income after retirement on account of disability	Rs.2,11,000/-
Loss of income during the period of treatment and recovery	Rs.53,860/-

Counsel for the appellant would argue that though the claimant continues to be in employment of Haryana Roadways but Tribunal has not awarded any compensation for loss of amenities of life as he has suffered disability to the extent of 15%. Compensation awarded for fracture and surgery, transportation, special diet and attendant charges etc. is grossly inadequate.

Counsel representing the insurance company, on the contrary, would argue that claimant has been adequately compensated.

The injured remained hospitalised for a period of approximately 25 days. He remained on leave without pay from 13.02.2012 to 13.04.2012. The claimant suffered fracture femur rendering him disable

to the extent of 15% on account of delayed union with osteoarthritis (OA) knee with 20 degree loss of left knee movement.

Claimant shall be entitle to compensation for pain and sufferings, to the tune of Rs.25,000/-. A sum of Rs.12,500/- on account of fracture and surgery awarded shall be liable to adjustment out of Rs.25,000/-. He shall be entitle to additional amount of Rs.15,000/- for transportation, special diet and attendant charges. The claimant is awarded Rs.25,000/- for loss of amenities of life. Compensation allowed by the Tribunal with regard to loss of income during leave period, reimbursement of medical expenses and future loss of income is affirmed. In this manner, total compensation is Rs.4,15,629/- and additional amount is Rs.25,629/- (4,15,629 - 3,90,000) payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

02.03.2020

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No
Yes / No