

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

FAO No.7494 of 2014 (O&M)

Date of decision: 05.03.2020

Janta Singh (deceased) thr Lrs

... Appellants

Versus

Rajesh Kumar and anr.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Dheeraj Narula, Advocate for the appellant.
Mrs. Swatantar Kapoor, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

CM No.322-CII of 2019

Prayer in this application is for impleading legal representative(s) (in short "LRs") of Janta Singh-appellant.

In view of averments made in the application supported by an affidavit of Jagtar Singh son of Janta Singh and arguments advanced, application is allowed and persons mentioned in para 2 of the application are allowed to be brought on record as LR's of Janta Singh-appellant (since deceased), subject to just exceptions, for the purpose of present lis only.

Amended memo of parties is taken on record.

Disposed of accordingly.

Main Case

The injured claimant is in appeal seeking additional compensation on account of injuries sustained in a motor vehicular accident that took place on 27.06.2012.

The Tribunal awarded Rs.2,34,000/-, detailed hereunder:-

Medical expenses	Rs.1,00,000/-
Transportation expenses	Rs.15,000/-
Compensation on account of 7% disability	Rs.14,000/-
Pain and sufferings	Rs.20,000/-
Future expenses	Rs.5000/-
On account of earned leave and medical leave	Rs.80,000/-

Counsel for the appellant would argue that claimant proved

transportation expenses to the tune of Rs.25,500/- detailed in Ex.P1 but the Tribunal has restricted the claim to Rs.15,000/- with the findings that no details of visits undertaken by the claimant have been mentioned. It is argued that this observation of the Tribunal is contrary to what has been recorded in Ex.P1 and as such, the claimant is entitle to Rs.25,500/- towards transportation expenses.

Another submission made by counsel is that Tribunal has awarded Rs.80,000/- for reimbursement of earned leave and medical leave @ Rs.500/- per day. According to him, document Ex.P44 was produced containing details of salary of the injured, working as beldar in PWD department and as per Ex.P44, daily income of the victim comes to more than Rs.600/- per day as his gross salary was more than Rs.19,000/- per month. The last submission made by counsel is that the injured has died and his family is entitle to loss of estate. For this purpose, reliance has been placed upon judgment of the Madras High Court **Venkatesan (deceased) and ors. Vs. Kasthuri and anr., 2014 ACJ 1621.**

Counsel representing the insurance company, on the contrary, would argue that since claimant was a government employee and he was paid salary till he remained in service, claimant cannot press for grant of compensation with regard to loss to estate.

Perusal of Ex.P1 reveals that details of visits is given in the document making total charges to Rs.25,500/-. Claimant is awarded Rs.25,500/- towards transportation expenses (additional amount of Rs.10,500/-).

The Tribunal has awarded Rs.80,000/- @ Rs.500/- per day not only for earned leave of 109 days but also medical leave of 172 days. In the given circumstances, I do not find any reason to allow any additional compensation with regard to earned and medical leave.

Contention raised for grant of loss to estate is not meritorious as the deceased was a government employee and had received salary except for the period of leave.

In view of the above, additional amount of Rs.10,500/-, shall be payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

05.03.2020

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)

JUDGE

Yes / No
Yes / No