

130 Injury case

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

FAO-1745-2021 (O&M)

Date of decision: 01.11.2021

UP State Road Transport Corporation

...Appellant

Versus

Rahul Kumar Verma and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Amit Jaiswal, Advocate,
for the appellant.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Appellant is owner of the offending bus i.e. UP State Road Transport Corporation aggrieved against quantum of compensation awarded by the learned Motor Accident Claims Tribunal to the injured- Rahul Kumar Verma.

2. Learned Tribunal has granted compensation and arrived at the quantum thereof, *inter alia*, based on the following reasoning:-

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"43 *It cannot be said claimant Rahul Kumar Verma suffered any permanent disability, since there is no material in this regard on record. As per him, after accident, he was initially shifted to Begrajpur Medical College from the spot and from there, he was shifted to Healing Touch Hospital, Ambala City, where many operations were conducted by the doctors on him and he remained admitted there up to 06.05.2019, and he is still under treatment. Claimant has got examined Dr.K.L.Khurana from Healing Touch Hospital as PW4, who has brought record pertaining to his medical treatment. The said witness has stated that patient Rahul Kumar Verma remained admitted in the hospital from*

28.04.2019 to 06.05.2019 in connection with serious injuries suffered by him in the accident in question. Further, the said witness has testified in regard to Ex.P-1 & Ex. P-2 i.e. discharge summary issued by the Healing Touch Hospital and computerized bill pertaining to the hospital. Documents Ex.P-1 Discharge summary would show that claimant Rahul Kumar Verma remained admitted in hospital from 28.04.2019 to 06.05.2019 in connection with various injuries, which he suffered in the accident in question. Further, discharge summary would show that he received multiple fractures on various parts of the body. Ex. P2 would show that expenses relating to treatment at the said hospital and expenses relating to medicines are Rs.81,645/-. Besides that, claimant Rahul Kumar Verma has placed on record documents Ex. P5 to Ex.P11 in order to show that he also took treatment in regard to injuries, which he received in the accident, from other hospitals. From the dates, which these documents bears, it cannot be said that they are not in relation to the injuries, which claimant Rahul Kumar Verma suffered in the accident in question. Even respondents have not been able to bring home the point that the said bills are not connected with the injuries, which claimant Rahul Kumar Verma suffered in the accident in question. Since that is so, therefore, the amount which finds mention in these bills is also to be counted towards the expenses on treatment, medicines.

XXX

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46. Insofar as loss of earning during the period of treatment is concerned, it is apparent that he remained admitted in hospital from 28.04.2019 to 06.05.2019, and it can well be gauged that due to injuries received and due to pain etc. caused by the said injuries, he must not have been able to pursue his work for three months at least. In regard to his

income, claimant Rahul Kumar Verma has placed upon record income tax return for the assessment year 2017-2018, 2018-2019 and 2019-20. The gross annual income after deduction of tax, as per document Ex. P12 i.e. Income Tax Return for the assessment year 2017-2018, comes to Rs.4,48,442/- (Rs.4,48,442/12=Rs.37,370.16). His monthly income during that period thus comes to Rs.37,370.16. The gross annual income after deduction of tax, as per documents Ex.P13 i.e. Income Tax Return for the assessment year 2018-2019, comes to Rs.4,82,534/- (Rs.4,82,534/12=Rs.40,211.16). His monthly income during that period thus comes to Rs.40,211.16. The gross annual income as per document Ex.P14 i.e. Income Tax Return for the assessment year 2019-2020, comes to Rs.2,45,126/-. His monthly income during that period thus comes to Rs.20,427.16.

The average monthly income of claimant Rahul Kumar Verma as per income tax returns for the assessment years 2017-2018, 2018-2019 and 2019-2020 comes to Rs.32,669.50. Hence, loss of earning during the period of treatment comes to Rs.32,669.50X3= 98,008.50).

47. In so far as the head “damages for pain suffering and trauma as a consequence of the injuries” is concerned, an amount of Rs.50,000/- is granted under that head.

48. In total, claimant is held entitled to a sum of Rs. 2,94,372.50 as compensation for the injuries suffered by him in this accident, as tabulated below:-

Injury case			
Period of Hospitalization 28.04.2019 to 06.05.2019			
Heads of claim			
Sr. No.		Amount (Rs.)	
1	Expenses relating to treatment, hospitalization, medicines which were incurred by the claimant.	Rs.96,364/-	
2.	Transportation, nourishing food and miscellaneous expenses	Rs.50,000/-	
3.	Loss of earning during the period of treatment	Rs.98,008.50	
3.	Damages for pain, suffering and trauma	Rs.50,000/-	
4.	Total (1+2+3+4)	Rs.2,94,372/-	

Perusal of the above reflects that the Tribunal has given cogent and acceptable reasons while arriving at the quantum of compensation. I find no grounds to take a different view.

3. The argument of learned counsel for the appellant that victim suffered no injury is as insipid as can be. The evidence adduced clearly reflects that he was hospitalised. That apart, even if physical injuries are not suffered by him if that were the case, I am of the view that even mental trauma is an injury, which leaves the victim scared for rest of his life having been witness to the accident where one of the co-victim lost the life, is much worse than having suffered physical injuries.

4. Being so, given that victim has been given already a meagre compensation perhaps he would have been entitled for the higher quantum. However, this Court refrains to comment on the same since he is not before this Court seeking enhancement thereof. In the interest of justice, appeal is simply dismissed.

5. Pending application, if any, shall also stand disposed of.

01.11.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No