

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

335

FAO-5246-2002

Date of decision: 22.09.2022

Subash Chand Gupta

.....Appellant

Versus

Karnail Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mukesh Kumar Bhatnagar, Advocate
for the appellant.

Mr. Suman Jain, Advocate and
Mr. Man Mohan, Advocate
for respondent No.3-Insurance Company.

MANJARI NEHRU KAUL, J. (ORAL)

This appeal has been filed by the injured claimant to impugn the award dated 23.07.2002 passed by learned Motor Accidents Claims Tribunal, Ambala (for short, 'the Tribunal') wherein the following compensation was awarded to him on account of the injuries suffered by him in a motor vehicular accident which took place on 07.02.1998:-

Sr. No.	Head	Amount
1.	Compensation on account of amount, spent on purchase of medicines etc.	Rs.33,000/-
2.	Compensation on account of loss of salary	Rs.40,000/-
3.	Compensation on account of the disability suffered	Rs.25,000/-
4.	Compensation on account of pain and suffering	Rs.5,000/-
	Total compensation	Rs.1,03,000/-

Learned counsel for the appellant submits that the injured was serving in CONFED and was earning Rs.8,416/- per month. On account of the injuries received in the accident, he had suffered 20% permanent disability for which only Rs.25,000/- compensation had been awarded. It is submitted that even though enough evidence in the form

of hospital bills/medical bills was produced before the learned Tribunal, however, the Tribunal failed to take them into account while granting the compensation. It has also been submitted that the appellant had not been adequately compensated for his permanent disability. Learned counsel submits that the learned Tribunal awarded only Rs.5,000/- on account of pain and suffering even though the appellant remained bed ridden for almost 11 months from 07.02.1998 to 21.01.1999. He submits that the learned Tribunal erred in not even granting any compensation on account of expenditure incurred on the treatment and for future medical expenses, special diet, amount paid to the attendant and for transportation by the appellant. Hence, he prayed for reassessing and modifying the compensation awarded accordingly.

Per contra, learned counsel for the insurance company opposed the prayer made by the counsel opposite by urging that the impugned award did not warrant any interference as the appellant had been adequately compensated after taking into account not only the injuries suffered but also the expenses incurred by him during his treatment after the accident.

I have heard learned counsel for the parties and perused the relevant material on record.

This Court concurs with the submissions made by learned counsel for the appellant that the learned Tribunal has erred in granting only Rs.5,000/- on account of pain and suffering to the appellant and it is thus enhanced to Rs.25,000/-. Learned Tribunal has also erred in not granting any compensation to the appellant for future medical expenses which the appellant is likely to incur. Hence, Rs.25,000/- is awarded to

the appellant for future medical expenses. The appellant is also entitled to be compensated in the sum of Rs.5,000/- towards attendant charges.

Accordingly, the compensation payable to the appellant/claimant is reassessed and modified as follows:-

Sr. No.	Head	Amount
1.	Compensation on account of amount, spent on purchase of medicines etc.	Rs.33,000/-
2.	Compensation on account of loss of salary	Rs.40,000/-
3.	Compensation on account of the disability suffered	Rs.25,000/-
4.	Compensation on account of pain and suffering	Rs.25,000/-
5.	Compensation on account of future medical expenses	Rs.25,000/-
6.	Compensation on account of attendant charges	Rs.5,000/-
	Total compensation	Rs.1,53,000/-

Accordingly, the claimant is entitled to a total compensation amount of Rs.1,53,000/- along with interest @ 9% per annum from the date of filing of the claim petition till the date of actual payment which would be paid jointly and severally by the respondents.

With the above modification, the instant appeal stands disposed of accordingly.

22.09.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No