

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO No.2997 of 2022 (O&M)

Date of Decision : 25.07.2022

New India Assurance Company Limited

....Appellant

VERSUS

Priya Guleria and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Satpal Dhamija, Advocate for the appellant.

Mr. Ravinder Arora, Advocate for caveator-respondent no.1.

ALKA SARIN, J. (Oral)

Challenge in the present appeal is to award dated 24.11.2021 passed by the Motor Accident Claims Tribunal, SAS Nagar (Mohali).

Learned counsel for the appellant states that in the present appeal he is only challenging the quantum of compensation awarded to claimant-respondent no.1 under the heads of Future Pain and Suffering, Future Special Attendant and Future Transport Charges. Learned counsel for the appellant would further contend that *qua* the compensation awarded under the other heads he has no grievance.

Mr. Ravinder Arora, Advocate appearing on behalf of the caveator-respondent no.1 states that the claimant-respondent no.1 had received serious injuries and it has specifically come in the statement of Dr. Shivraj Karpe, Ortho Resident, SPS Hospital, Ludhiana, who appeared as PW-2, that in future the claimant-respondent no.1 would need surgery for removal of plates as also that she has suffered permanent disability and would not be able to do her daily routine work for at least a period of 1½

years and she would have trouble in moving, running, walking and squatting.

Heard

In the present case, PW-2, Dr. Shivraj Karpe, stated as under :

“I am summoned witness. I have brought the summoned record i.e. complete treatment record of patient Priya Guleria. As per record she was admitted on 03.05.2019 and sustained injuries in a road side accident dated 03.05.2019 and suffered following injuries:

-Right distal femur communitied supracondylar fracture with intercondylar extension (above the knee joint)

-Left galeazzi- fracture (forearm)

- Left olecranon process fracture (elbow)

-Left scapular body fracture (shoulder)

-Left inferior pubic rami fracture (hip)

-Avulsion injury forehead & left upper eyelid with soft tissue loss

OPERATION/PROCEDURE DONE

1. MIPPO with plating right distal femur + above knee POP slab was done on 07.05.2019 by Dr. H.S. Gill HOD Orthopaedic Department.

2. Open reduction and internal fixation with plating left radius + above elbow POP slab was done on 07.05.2019 by Dr. H.S. Gill, HOD Orthopaedic Department.

3. Soft tissue repair with SSG Left upper eyelid was done under general anaesthesia on 07.05.2019 by Dr. Ashish Gupta, plastic surgeon.

The patient is on regular follow-up with uniting fractures in our hospital and is still under treatment as outdoor patient. The patient was discharged on 14.05.2019 with medical advice for total bed rest as mentioned in discharge summary i.e. Ex. P-30 at page no. 3 at Point A. The patient has suffered a permanent disability and cannot do her daily routine works for 1½ years and she will suffer problem to move, run, walk and squatting. I identify the signatures of Dr. H.S. Gill HOD Orthopaedic Department on Ex. P-30. The patient was personally treated by me with the advice of Dr. H.S. Gill HOD Orthopaedic Department. Two plates were inserted in her right distal thigh and left forearm. The plates will be removed in future by conducting operation. As per fee schedule of the hospital approximately Rs.1,50,000/- will be spent in future to remove both of the plates. I have seen Ex. P-3 to Ex. P-29 i.e. medical bills of patient Priya Guleria which are issued by our hospital and are genuine as per record brought by me. I identify the signature of Dr. H.S. Gill, HOD Orthopaedic Department on Ex. P-3 to Ex. P-29.”

Perusal of the statement of PW-2, Dr. Shivraj Karpe, clearly reveals that the injuries suffered by the claimant-respondent no.1 are serious in nature for which future treatment would be required. It has gone unrebutted that an amount of Rs.1,50,000/- would be required for the future operations for removal of plates which have been inserted in right distal thigh and left forearm. In addition, the claimant-respondent no.1 would require amount towards future special attendant and transport.

Keeping in view the fact that the claimant-respondent no.1 would need to undergo further surgery, which would also cause pain and suffering to her, I do not find any illegality or infirmity in the award passed by the Tribunal.

The present appeal is dismissed. Pending applications, if any, also stand disposed off.

25.07.2022
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO