

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-471-2012 (O&M)
Reserved on : 01.08.2022
Pronounced on : 05.08.2022

Sudhir

..... Appellant

versus

Phool Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sandeep Yadav, Advocate for
Mr. Sandeep Sharma, Advocate
for the appellant.

Mr. Banny Thomas, Advocate
for respondent No.3-Insurance Company.

PANKAJ JAIN, J.

Claimant herein seeks enhancement of compensation awarded by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'Tribunal') vide award dated 08.09.2011 regarding injuries suffered by him in a motor vehicular accident dated 19.09.2010. The scope of the present appeal is confined to compensation as the parties are not at issue w.r.t. finding on issue No.1.

2. Counsel for the claimant-appellant argues that though the Tribunal found that the claimant remained admitted from 19.09.2010 to 24.09.2010 and has undergone surgery w.r.t. fracture suffered by him in hip joint during accident in question, yet nothing has been paid on account of attendant charges, special diet, pain and suffering.

3. Per contra, counsel for respondent-insurance company argues that the claimant has not suffered any disability. Amount spent by him on treatment i.e.

Rs. 42,000/- has been awarded and further Rs.8,000/- has been awarded under the non-pecuniary heads.

4. I have heard learned counsel for the parties and have gone through the records of the case.

5. There is no dispute w.r.t. the amount spent by the claimant on his treatment and the same i.e. Rs.42,000/- has been rightly awarded. It has also been proved on record that he remained admitted from 19.09.2010 to 24.09.2010. As per Ex.PW-1/A, the appellant had to undergo surgery.

6. In the considered opinion of this Court, Rs.8,000/- awarded under non-pecuniary heads needs to be enhanced. Accordingly, the appellant is held entitled to Rs.10,000/- as attendant charges, Rs.10,000/- as special diet, Rs.40,000/- for pain and suffering on account of surgery he had to undergo and Rs.10,000/- for loss of income he suffered during time period he was under treatment.

7. The claimant shall also be entitled for interest @ 9% per annum from the date of institution of the claim petition till the date of realization of the amount. Needless to say any amount already paid shall be set off and adjusted.

8. Appeal stands allowed.

9. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

05.08.2022

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Whether speaking/reasoned : Yes

Whether Reportable : No