

R-627/2

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

**FAO-5574-2002 (O&M)
Date of decision : 16.01.2023**

Manjinder Singh

... Appellant(s)

Versus

Daya Ram and Others

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kapish Singla, Advocate for
Mr. Ashit Malik, Advocate for the appellants.

None for respondent No.2.

Mr. Lalit Garg, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

The present is a burnt case and has been reconstructed with the help of the counsel. The record of the Tribunal is not available.

The present appeal has been filed challenging the award dated 31.08.2002 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'Tribunal') whereby an amount of Rs.21,299/- has been awarded towards medical bills to the injured-appellant.

The injured-appellant in the present case had suffered multiple injuries in the accident. His leg was fractured, he also received various injuries on his head and other parts of the body. As per the impugned award passed by the Tribunal, PW4 - Dr. Rakesh Girdhar - has stated that the

claimant-appellant remained admitted in General Hospital, Karnal from

07.02.2000 to 17.04.2000. Later he was treated as an OPD patient. Discharge summary was also placed on the record as Ex.P3. Thereafter, the injured-appellant as per PW6 - Dr. S.C. Singal - had remained admitted in his clinic from 19.06.2000 to 27.06.2000 because of Hepatitis B.

Learned counsel for the injured-appellant would contend that only an amount of Rs.21,299/- towards medical expenses has been awarded and no amount has been awarded towards attendant charges, special diet, pain and sufferings.

Per contra, learned counsel for respondent No.3-insurance company has vehemently contended that sufficient amount has been awarded.

No one has put in appearance on behalf of the respondent No.2 (owner of the offending vehicle) despite service and hence, respondent No.2 is proceeded against *ex parte*.

Heard.

In the present case this Court is handicapped in view of the fact that the present is a burnt case and has been reconstructed with the help of the counsel. Record of the Tribunal is not available. However, from a perusal of the award, it is apparent that the injured-appellant remained hospitalized for over a period of two months and the Tribunal has awarded only an amount of Rs.21,299/- towards medical bills. No amount has been awarded under the heads of attendant charges, special diet and pain and sufferings. Keeping in view the fact that minimum wages at the relevant time were Rs.2,000/- per month and for a 24 hour attendant for one month,

the attendant charges would have been Rs.4000/- and since the injured-

appellant remained admitted for a period of two months, an amount of Rs.8,000/- is awarded towards attendant charges. An amount of Rs.5,000/- is also awarded towards special diet and an amount of Rs.50,000/- towards pain and suffering. The amount awarded towards medical bills as well as the interest component awarded by the Tribunal would remain same.

In view of the above, the modified compensation is assessed as under :

Sr. No.	Heads	Compensation Awarded
1	Attendant Charges	Rs.8,000/-
2	Special Diet Charges	Rs.5,000/-
3	Pain and sufferings	Rs.50,000/-
	Total Compensation	Rs.63,000/-

The amount of **Rs.63,000/-** shall also attract interest @ 9% per annum from the date of filing of the claim petition till the realization of the entire amount.

It is made clear that award stands modified only to the extent aforementioned and the recovery rights given to respondent No.3-Insurance Company are maintained.

The present appeal is disposed off in the above terms. Pending applications, if any, also stand disposed off.

16.01.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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