



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

**FAO-2338-2008 (O&M)
Date of decision : 21.02.2025**

Abinder Singh

...Appellant

Vs.

Darshan Lal and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravinder Arora, Advocate
for the appellant.

Mr. Nitish Singhi Advocate and
Ms. Priya Singhi, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. This is the claimant's appeal for modification of the Award passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib. The appellant suffered a cervical spine injury in a motor vehicular accident which took place on 06.12.1999. As per Dr. V.K. Khosla, PGI, Chandigarh, he was operated upon for cervical injury and cervical disc removal and bone graft fusion. He remained admitted in PGI for more than 02 months as he was discharged on 09.02.2000. He has been awarded Rs. 15,000/- each for special diet and assistance of one person during his hospitalization. He has also been awarded Rs. 30,000/- for medicines for post operation charges and amount of Rs. 30,000/- has been awarded towards pain and sufferings. The claimant was an agriculturist and he has been awarded Rs.10,000/- for engaging a person for



carrying out work in his agricultural land.

2. Learned counsel representing the appellant submits that the Court has not awarded any amount towards the loss of income, particularly, when the appellant was confined in the hospital for a period of more than 02 months and he has suffered grievous injuries. His efficiency to work was compromised due to grievous cervical spine injury.

3. This Court has considered the submissions made by the learned counsel representing the parties.

4. There is merit in the submission of learned counsel representing the appellant.

5. The Tribunal was required to assess the loss of income during the period of hospitalization, the period when the appellant was not able to perform his normal functions after discharge. In absence of evidence, this Court is left with no choice but to apply the thumb rule.

6. Hence, the appellant is awarded another sum of Rs. 50,000/-, which shall be payable alongwith interest @ 7½% from the date of filing of the claim petition till the payment.

7. Accordingly, the appeal is disposed of.

8. All the pending miscellaneous applications, if any, are also disposed of.

21.02.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No