



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

248

FAO-1075-2018 (O&M)
Date of decision : 05.08.2025

Gourav

..... Appellant

versus

Vinod Kumar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: None for the appellant.

Mr. Sandeep Suri, Advocate
for respondent No.3-UOI.

PANKAJ JAIN, J. (Oral)

CM-3608-CII-2018

This is an application for condonation of delay of 20 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 20 days in filing the appeal stands condoned.

FAO-1075-2018

1. The instant appeal is at the instance of Gourav who got injured in a motor vehicular accident dated 06.06.2015. It has come on record that he was 20 years of age at the time of accident and was working at Advance Micro Device Pvt. Ltd, Tepla earning Rs.8,000/- per month. The MACT while awarding compensation observed as under:-

“So far as second claimant Gourav is concerned; it is evident that he received injuries in the accident. He did not sustain any permanent disability. Further, he has produced medicine bills EX.P5 to EX.P69 total amounting Rs. 76941/-



(in round figure 77000/-). He remained hospitalized for 15 days and so Rs.1000/- per day expenses are taken into consideration on account of diet, transportation etc. According to version of petitioner coupled with medical evidence and in the light of the law settled in *Raj Kumar Vs Ajay Kumar, (2011)1 SCC 343*, second claimant is held entitled to the following compensation:

Pecuniary damages (Special damages)

- (i). Expenses relating to treatment, Rs.77000/-medical hospitalization in PGI, medicines, expenses plus 15000/- transportation, nourishing food, as indoor patient and miscellaneous expenditure. including other expenses.
- (ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:
 - (a) Loss of earning during the 5000/- period of treatment;
 - (b) Loss of future earning on nil account of injuries etc.
- (iii). Future medical expenses. 10000/-

None-pecuniary damages (General damages)

- (iv). Damages for pain, suffering Rs. 10000/- and trauma as a consequence of the injuries.
- (v). Loss of amenities (and/or loss nil of prospects of marriage).
- (vi). Loss of expectation of life Nil. (shortening of normal longevity).
- Total Compensation Rs.1,17,000/-

16. In this way, second-claimant is entitled to compensation of Rs.1,17000/- along with interest @ 7.5% per annum from the date of filing the petition till realization of awarded amount. The assessed amount of compensation in both petitions are quite fair, just and reasonable. Rests of relief sought by both claimants stands declined. Accordingly, In view of above discussions, Issue no.2 is decided in the above stated terms, in favour of the petitioners and against the respondents.”



2. In the considered opinion of this Court, the Tribunal erred in granting meager amount of Rs.5,000/- for loss of earning during the period of treatment despite the fact that it stood proved on record that the injured-appellant remained hospitalized for 15 days. It is not possible for him to straightaway walk out of the hospital to his job to earn. Resultantly, loss of earning during the period of treatment and during the time he remained on bed, is assessed as Rs.15,000/-. The amount awarded by the Tribunal under the head of medical expenses and future medical expenses is maintained. On account of pain and suffering, the amount of Rs.10,000/- awarded by the Tribunal is enhanced to Rs.15,000/-. Nothing has been paid for loss of amenities despite the fact that it has come on record that though the appellant did not suffer any permanent disability, but suffered fractures and implants were inserted. Resultantly, another amount of Rs.25,000/- is awarded for loss of amenities.

3. With the aforesaid modification in the impugned order, the present appeal is disposed off.

(PANKAJ JAIN)
JUDGE

05.08.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No