

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.1238 of 2004

Date of Decision.09.04.2014

Jagmohan Singh alias Jaggi

.....Appellant

Versus

Sukhbir Singh and another

.....Respondents

Present: Mr. Gurinderjit Singh, Advocate  
for the appellant.

None for the respondents.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

1. Whether Reporters of local papers may be allowed to see the judgment ? No
2. To be referred to the Reporters or not ? No
3. Whether the judgment should be reported in the Digest? No

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**K. KANNAN J.(ORAL)**

1. The appeal is for enhancement of compensation for injuries sustained in a motor accident. The medical evidence brought on record showed that the claimant had fracture of both feet and he had also suffered head injury that resulted in haemotoma in the parietal region and a small intra cerebral haemotoma in another portion of the brain. Before the Tribunal, a neuro-surgeon who had treated him gave evidence of the fact that he had removed the haemotoma by performing brain surgery and charged him ₹ 21,000/-. He stated that all the investigation charges like CT scan and other expenses were extra. He also gave evidence of the fact that he was operated in foot by Dr. Satinder Attri and identified the signature of other doctors, one of whom was a ortho-paedician and another doctor had treated him for some urinary infection. All the bills produced by the claimant had not

been approved of by the Tribunal and it provided for ₹ 20,000/- as medical expenses and ₹ 20,000/- for loss of amenities.

2. I find the assessment to be wholly inadequate. The entire amount of expenses incurred and brought out through the bills ought to have been properly provided for. The neuro-surgeon gave evidence to the effect that the person could have persistent headache and a head injury could also result in dizziness and fits. However, there was no such evidence from the claimant himself except to state that he had having recurrent bouts of headache. The component of pain and suffering must have been under the circumstances properly appraised. Ortho-paedician certificate after examination had been exhibited as A6 which was to the effect that there was a foreign body on the right foot with multiple lacerations and he had operated him and he had charged him ₹ 3200/-. It would appear that there had been no fractures of the foot except that there had serious tendon injuries which would require immobilization and treatment. I would reappraise the compensation and tabulate the same as under:-

INJURY CASES			
Age			
Period of Hospitalization			
Occupation			
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Loss of income		10,000
2	Medical expenses		
(i)	Medicines	20,000	50764/-
(ii)	Hospital Charges		
(iii)	Attendant Charges		2500
(iv)	Special Diet		2500
(v)	Transport		2500

INJURY CASES			
3	Pain & Suffering-per fracture/per surgery		25,000
4	Disability		
5	Loss of earning capacity		
	income		
	Multiplier		
	% of loss of earning capacity		
6.	Loss of amenities	20,000	20,000
7	Reduction in life expectancy		
8	Loss of prospect of marriage		
	Total	40,000	1,03,264

3. I would also make provision for the usual heads under attendant charges, special diet and transportation at ₹ 2500/- each and increase the component of pain and suffering to ₹ 25,000/-. Even he was said to be a matriculate but his actual avocation is not known from the evidence. I assume that he must have been in active treatment at least for a period of four months and I will take the average income of about ₹ 2500/- and provide for ₹ 10,000/- as loss of income. The total compensation payable will be ₹ 1,03,264/-. The additional amount on what is already assessed by the Tribunal will also attract interest @7.5% from the date of petition till the date of payment. The liability shall be on the insurer.

4. The award is modified and the appeal is allowed to the above extent.

(K. KANNAN)  
JUDGE

April 9, 2014  
Pankaj\*