

**Ajmer Singh Vs. Joginder Singh and ors.**

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**Court :** Punjab and Haryana

**Decided On :** Aug-11-1989

**Reported in :** 1990ACJ596

**Judge :** S.S. Sodhi, J.

**Appeal No. :** F.A.F.O. No. 822 of 1984 and CM. No. 4516-CII of 1989

**Appellant :** Ajmer Singh

**Respondent :** Joginder Singh and ors.

**Advocate for Def. :** N.K. Khosla, Adv.

**Advocate for Pet/Ap. :** H.S. Bhuller, Adv.

**Disposition :** Appeal allowed

**Judgement :**

**S.S. Sodhi, J.**

1. The claim in appeal here is for enhanced compensation. The claimant Ajmer Singh, Principal of the Government Higher Secondary School, Kalyan in district Patiala sustained injuries when the scooter he was travelling on was involved in an accident with the truck HPA 1461 (present No. PJP 5975), coming from the opposite direction. This happened on the Patiala-Nabha Road at about 2.15 p.m. on February 17, 1982. It was the finding of the Tribunal that the accident was caused entirely due to the rash and negligent driving of the truck driver. A sum of Rs. 25,000/- was awarded as compensation to the claimant.

2. A reference to the evidence on record would show that the injuries suffered by the claimant were, in the main, fracture of both bones of the right leg. Immediately after the occurrence, the claimant was taken to Rajindra Hospital, Patiala, where his leg was put under plaster. Later, however, when the claimant came to his brother in Chandigarh he started feeling pain in his leg as a result of which he was admitted to the Post Graduate Medical Institute on March 15, 1982, where he was operated upon. During the operation, upon reduction of the fracture, plate fixation was done as deposed to by AW 5, Dr. Vinod Singla, Senior Resident in the Department of Orthopaedics at the Post Graduate Medical Institute, Chandigarh. He further stated that the claimant remained admitted in the hospital for two months.

3. As regards the nature and extent of the injury suffered by the claimant, AW 5 Dr. Vinod Singla deposed that the claimant had suffered a permanent disability in the form of stiffness of the knee and ankle joints and as a result thereof he cannot drive a scooter nor can he walk alone or run. It was also said that he cannot stand on his feet for a long time. Besides this, he would also feel difficulty in going up and down the stairs.

4. There is also a claim for the amount spent by the claimant on his medical treatment. According to the

claimant, the sum spent was Rs. 10,000/-. No details or particulars of this expenditure are, however, forthcoming. All that has come on record is that the claimant had sought medical reimbursement from his department of an amount of Rs. 3,403/-. There can be no manner of doubt with regard to this amount having been spent by the claimant on his treatment. In addition, the claimant must have spent other amounts too, particularly in the context of his having spent two months in the Post Graduate Medical Institute as an indoor patient. Taking, therefore, an overall view of the matter, it would be reasonable to assess the medical expenses at Rs. 7,000/-.

5. The next head of claim is the cost of transportation, namely, rickshaw that the claimant says he now has to use for going to office and back. The claim being at the rate of Rs. 65/- per month. This is indeed a legitimate claim and considering the age of the claimant, cost of transportation not only to his office and back, but otherwise too deserves to be assessed at Rs. 10,000/-.

6. Further, it has come in evidence that the claimant remained on leave for a period of eight months after this accident. There is, no doubt, no medical evidence to show that the claimant required all this leave on account of the injuries sustained by him in this accident, but it is pertinent to note that no suggestion is forthcoming that the claimant had taken this leave on any other account. This being so, the loss that the claimant has suffered for this reason, he is clearly entitled to be compensated for. The amount in question being Rs. 8,046/- which may be rounded off to Rs. 8,000/-.

7. Taking, therefore, an overall view of the nature and extent of the injuries suffered by the claimant, the pain and permanent disability caused thereby as also the loss of enjoyment of amenities of life which the claimant now has to undergo, clearly warrant compensation on those counts to be assessed at Rs. 25,000/-.

8. The total compensation thus payable to the claimant would be Rs. 50,000/-. It is accordingly enhanced to this sum which the claimant shall be entitled to along with interest at the rate of 12 per cent per annum from the date of the application to the date of payment of the amount awarded.

9. The respondents shall be jointly and severally liable for the compensation awarded.

10. This appeal is consequently hereby accepted with costs. Counsel's fee Rs. 500/-.

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