
(2004) 11 P&H CK 0009
In the Punjab And Haryana At Chandigarh
Case No : First Appeal Order No. 2301 of 2002

Sher Singh

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 19-11-2004

Acts Referred:

Railway Claims Tribunal Act, 1987 — Section 16
Railways Accidents and Untoward Incidents (Compensation) Rules, 1990 — Rule 3(2),
3(3)
Railways Act, 1989 — Section 124

Citation : (2005) 3 ACC 177 : (2005) 140 PLR 192

Hon'ble Judges : Amar Dutt, J

Bench : Single Bench

Advocate : Paul S. Saini, for the Appellant; None, for the Respondent

Judgement

Amar Dutt, J.—The appellant, who is aggrieved by the injuries suffered by him in railway accident, seeks to challenge the judgment passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh dated 8.6.2001.

2. The grouse of the appellant is that after returning a finding that the appellant on 2.12.2000 had, while travelling on a valid ticket on the Hawra-Amritsar Mail train No. 3005-Up, met with an accident near village Jeonpura between Sadhugarh and Sarai Bajara Railway Stations on Ambala-Ludhiana line near Sirhind in the claim for compensation filed by him u/s 16 of the Railway Claims Tribunal Act read with Section 124 of the Railways Act, 1989 (hereinafter referred to as "the 1989 Act") a compensation of Rs. 20,000.00 has been awarded.

3. The short point, which has been urged before me is that taking into consideration the fact that the appellant had suffered the following injuries:-

(a) Three ribs on the left side fractured.

(b) One rib totally broken.

- (c) Blood clotting in the eyes.
- (d) Grievous injuries on the chest.
- (e) Abrasions on several parts of the body.
- (f) Severe blunt injuries all over the body.

the Tribunal should have awarded compensation of at least Rs. 1,00,000.00 to the appellant on account of pain and sufferings, loss of income and medical expenses that he had to incur on his treatment. The Tribunal while assessing the medical expenses had given a finding that the amount does not exceed Rs. 2,000.000 in all. It had, however, after taking into consideration the nature of the injuries awarded another additional amount of Rs. 18,000.00 compensation payable to the appellant. Sher Singh appellant being aggrieved by this order has prayed that he be given compensation of Rs. 1,00,000.00 on account of the injuries suffered by him.

4. I have carefully considered the submissions in the light of the Railway Accidents & Untoward Incidents (Compensation) Rules, 1990 (hereinafter referred to as "the 1990 Rules"). Admittedly, in case of injuries, which are not covered by the Schedule, Rule 3(3) of the 1989 Act, which reads as under:-

"3.(3) The amount of compensation payable in respect of any injury (other than an injury specified in the Schedule or referred to in Sub-rule (2) resulting in pain and suffering, shall be such as the Claims Tribunal may after taking into consideration medical evidence, besides other circumstances of the case, determine to be reasonable:

Provided that if more than one injury is caused by the same accident, compensation shall be payable in respect of each such injury:

Provided further that the total compensation in respect of all such injuries shall not exceed rupees eighty thousand."

indicates the manner in which the compensation is to be calculated. The maximum compensation which can be paid in cases of multiple injuries according to the aforementioned Rule cannot exceed Rs. 80,000/-. The petitioner in this case suffered injuries indicated herein before and the Tribunal had come to the conclusion that a sum of Rs. 2000/- was spent on medical expenses and taking into consideration the gravity of the injuries and the fact that the petitioner had remained hospitalised from 2.12.2000 to 7.12.2000, it has evaluated the compensation of Rs. 20,000/- only. It is common knowledge that prolonged hospitalisation in cases of fracture of the ribs is never advised but this would not in any way do away with the necessity of the petitioner being put on rich diet for about six weeks to speed up the recovery during the period of convalescence. The Court would also be obliged to compensate the petitioner on account of the pain and suffering, which he is likely to face till the time he fully recovers from the injuries. Taking all the circumstances into consideration, I think that an

enhancement of the compensation payable to the petitioner of about Rs. 10,000/- would meet the ends of justice. Ordered accordingly.

5. For the reasons recorded above, this appeal is allowed as indicated above.