

(1985) 07 P&H CK 0011

High Court Of Punjab And Haryana At Chandigarh

Case No: None

The Union Of India (UOI) and
Another

APPELLANT

Vs

Ravinder Singh and Another

RESPONDENT

Date of Decision: July 18, 1985

Citation: (1986) 1 ACC 218 : (1987) ACJ 549 : (1985) 88 PLR 551

Hon'ble Judges: S.S. Sodhi, J

Bench: Single Bench

Judgement

S.S. Sodhi, J.

The accident here occurred when the claimant Ravinder Singh was crossing the road. He met with an accident with the Chandigarh Transport Undertaking Bus CHW-3506. This happened on July 17, 1978 at about 7.15 a.m. on the road between Sectors 19 and 20 Chandigarh. It was the finding of the Tribunal that the bus driver was wholly to blame for the accident. The claimant Ravinder Singh was accordingly awarded a sum of Rs. 43,000/- as compensation for the injuries sustained.

2. The finding of negligence recorded against the bus driver warrant no interference in appeal. The evidence on record show that Ravinder Singh had almost crossed the road when the bus came and hit into him. This was deposed to by PW 2 Chetan Sarup who witnessed the occurrence from his house nearby. This witness, in fact, accompanied the injured to the Post Graduate Medical Institute where he was taken soon after the accident. To corroborate him there is the testimony of PW 3 Parminder Singh, the brother of the injured besides the claimant; himself PW 4 Ravinder Singh. The version of the bus driver on the other hand was that Ravinder Singh had hit into a stationary bus. The bus being stationary was attributed by the bus driver due to some defect in the supply of diesel. This is, however, negated by the fact that this bus then drove off to the Bus stand after the accident and there is no evidence to suggest that any mechanic had come there to repair this defect.

3. The main stress was laid upon the writing exhibit R/1 signed by PW 5 Harjit Singh, the father of the claimant Ravinder Singh, to the effect that this accident had not occurred due to any negligence on the part of the bus driver. The Tribunal rightly attached no importance to it for the reason that this was a statement not made by an eye-witness to the occurrence nor was it in any manner suggested or authorised by the victim Ravinder Singh. Harjit Singh explained that his son was lying seriously injured in the Post-Graduate Medical Institute and he was perplexed on that account when he came to sign it. Exhibit R/1 cannot in these circumstances negative the finding of negligence recorded against the bus driver which is accordingly hereby upheld and affirmed.

4. As regards the quantum of compensation payable to the claimants, there is a claim for enhanced compensation. As mentioned earlier, the amount awarded was Rs. 43,000/-. The claim in this case is for Rs. 70,000/-. The Medical evidence in this case consists of the testimony of PW 1 Dr. B.C. Bapna of the Post Graduate Medical Institute, Chandigarh, who deposed that at the time of his admission in the hospital on July 17, 1978, Ravinder Singh had six injuries on his person. These being:

1. Laceration over chin 1/2 cm Horizontal.
2. Abrasion on the upper eye-lid left side.
3. Abrasion over right tibial tubercle.
4. Haemarthros is right knee.
5. Tenderness over the line of the left knee medical aspect.
6. Fracture pelvis and rupture urethra.

5. It was further the testimony of Dr. B.C. Bapna. That Ravinder Singh was operated upon on the day of his admission for his inability to pass urine due to ruptured urethra. Trocar cystostomy was done on that day. Another operation as performed on November 22, 1978 for repair of the urethra. Besides this, he stated that Ravinder Singh had to remain in bed for three weeks on account of fracture of the pelvis. At the time of his discharge on August 4, 1978 he was advised to come for follow up treatment every four weeks and thereafter every two months.

6. During the pendency of this appeal, on the application of the counsel for the claimant, a direction was issued to the said Dr. B.C. Bapna to examine the claimant Ravinder Singh and to submit a report to this Court regarding this present physical condition as also the disabilities, if any, that he suffered from or was likely to be burdened with in the years to come. Dr. Bapna thereafter reported that the fracture of the bony pelvis suffered by the claimant had since healed. As regards the ruptured urethra for which 2 to 3 operations had been done, the result was satisfactory for the moment but he opined that the claimant could have trouble in future. Long term follow up procedures least five years. It was further stated that

the last examination revealed that his urethra could be calibrated with 12 RFR size (normally it should be around 20 Fr. size for his age). This suggests that there was a narrowing at the site of the repair of the urethra which may require further operative treatment,

7. As regards the claimant's sexual capabilities, the report of B.C. Bapna of May J4, 1985 went on to state that according to the claimant Ravinder Singh, he was having erections and ejaculation. The ejaculate was sent for semen analysis and the report showed that few sperms and morphologie of these sperms were normal. The motility of the sperms was nil. There were 8-10 pus cells, total count was too low to be counted, This examination, the doctor opined, implies some problem with sperms production and ejaculation.

8. It will be seen that the claimant Ravinder Singh not only sustained serious injuries, but he has also been left with a serious urinary problem which is likely to continue for several more years and this requires constant treatment and possibly some operations too. Seen in this light, the claimant well deserves the entire amount claimed as compensation.

9. The compensation payable to the claimant is accordingly hereby enhanced to Rs. 70,000/- which he 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 the payment of the amount awarded. This compensation shall be paid to the claimant in such manner as the Tribunal may deem to be in his best interest.

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

11. In the result, the cross-objections filed by the claimants are hereby accepted. This appeal is dismissed with costs. Counsel fee Rs. 500/-.