

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No.4553 of 2003 (O&M)

Date of Decision: 01.04.2015

Ajmer Singh

..... APPELLANT

VERSUS

Chand @ Mahender Singh and others

..... RESPONDENTS

PRESENT: - Mr. Sandeep Verma, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

CORAM: **HON'BLE MR. JUSTICE SHEKHER DHAWAN**

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SHEKHER DHAWAN, J.

The claimant has challenged the award of Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal') dated 12.06.2003 whereby the Tribunal awarded a sum of ₹99,086/- on account of serious injuries suffered by appellant Ajmer Singh.

Being dis-satisfied with the amount awarded

by 'the Tribunal', the claimant is in appeal, who was injured in Motor Vehicle Accident on 21.03.2000.

Taking the case from undisputed facts that the claimant was going in auto rickshaw No.HR-45-3686 to his village and when he reached in the area of Village Khukhrana, bus No.HR-45-0717 which was being driven by respondent No.1 in a rash and negligent manner struck against auto rickshaw. Resultantly, the claimant sustained injuries. He was taken to the hospital for treatment. The matter was reported to the police on the same day. The claimant was working on a private job with the Contractor. The claimant claimed compensation to the tune of ₹10 lacs.

The respondent contested the claim petition on all accounts.

The Tribunal after considering the material and evidence available on file awarded compensation of ₹99,086/- on account of medical bills, pain and suffering, special diet and loss of income.

Mr. Sandeep Verma, learned counsel for the appellant took the plea that the claimant has not been awarded any amount on account of transportation charges as well as attendant charges though appellant remained on bed for a period of over two months and was dependent upon the services of others. He had to engage an attendant

for the purpose. He has not been suitably compensated on account of pain and suffering. Even all the medical expenses have not been reimbursed to him.

While arguing on these points, Mr. Vinod Gupta, learned counsel for the respondent-Insurance Company took the plea that the Tribunal has already awarded just compensation taking into consideration the sufferings of the claimant and the appeal does not deserve any merit and the same be dismissed.

Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that the medical bills produced before the Tribunal were to the tune of ₹44,086/- and the same have already been reimbursed to him. The claimant has been awarded a sum of ₹30,000/- on account of pain and suffering and another amount of ₹10,000/- on account of special diet and ₹15,000/- on account of loss of income.

However, the Tribunal has not awarded any amount on account of transportation charges though he was having a fracture in his leg and was to remain admitted in hospital for a period of more than two months. Needless to mention that in such like cases injured have to depend upon the services of attendant and some amount has to be spent on account of remuneration to the attendant. Even the pain

and sufferings have not been adequately compensated. Accordingly, the amount of compensation awarded in this case is enhanced by sum of ₹21,000/- (₹10,000/- on account of transportation charges + ₹6,000/- for attendant charges + additional amount of ₹5,000/- on account of pain and sufferings). The enhanced amount of compensation shall be paid by the respondent within a period of 30 days, failing which the appellant shall be entitled to recover interest @ 9% from today. The remaining conditions regarding payment, disbursal of amount shall remain unaltered.

The appeal is accordingly partly accepted.

(SHEKHER DHAWAN)
JUDGE

April 01, 2015
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