

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO No. 182 of 1996

Date of decision : August 19, 2015

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Babu Ram

.....Appellant

Versus

Amrik Singh and another

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: None for the appellant.

Ms. Sonia Sharma, Advocate for respondent no.2.

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1. *Whether Reporters of Local Newspapers 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?*

RITU BAHRI, J

The present appeal has been filed by the appellant-claimant seeking enhancement of compensation amount awarded by the Motor Accidents Claims Tribunal, Ambala (hereinafter referred to as 'the Tribunal') vide award dated 1.5.1995 on account of injuries received by the appellant in a vehicular accident on 6.7.1992.

On 6.7.1992 at 9/10 A.M, claimant along with cousin Surinder Kumar was going to Ambala Cantt. When they crossed the tangri bridge a bus bearing registration no. CH-01-G-5132 being driven rashly and negligently by respondent-Amrik Singh came from the Jagadhri side and struck against the cycle. As a result of which, claimant fell down and suffered multiple injuries on his body. The

claimant was then referred to the General Hospital, Ambala Cantt. From there, for treatment he was referred to Civil Hospital, Ambala City, where he remained admitted. Regarding the accident FIR No. 4 dated 6.7.1992 was registered at the Police Station Mahesh Nagar for the alleged commission of offences punishable under Sections 279/337 IPC. The accident was not in dispute as per the deposition of PW-1 Surinder Kumar who was travelling with the claimant in cycle. Claimant himself appeared as PW-2. Copy of FIR, Ex. P-1, copy of MLR Ex. P-2, X-Ray report Ex. P-3 and the bills Ex. P-4 to 20 were placed on record. The claimant did not suffer any permanent physical disability. As per the report of the radiologist Ex. P-3, he suffered a pelvic fracture.

Babu Ram, the injured filed claim petition bearing M.A.C.T Case No. 94 of 1993 which was allowed by the Tribunal and compensation amounting to Rs.15,000/- (Rs. 10,000 for pain and sufferings and Rs.5,000/- for treatment, medicines and other misc. expenses) was granted.

Feeling dissatisfied with the impugned award, the injured claimant-appellant came up in this appeal.

I have heard the learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. The claimant-appellant could not prove that he was a driver as he did not place any driving licence on record. Admittedly, there is no permanent disability suffered by the claimant as per the MLR Ex. P-2.

There was mention of only two injuries as per the report of the radiologist Ex. P-3 which showed the pelvic fracture. Keeping in view that the claimant had suffered a pelvic fracture and the claimant may have suffered hospitalization, compensation is being reassessed as under:-

HEAD	COMPENSATION AMOUNT
Pain and suffering	Rs.20,000/-
Loss of earnings (Rs.3000x6)	Rs.18,000/-
Medical and incidental expenses during the period of hospitalization	Rs.15,000/-
Special Diet and Transportation Charges	Rs.10,000/-
TOTAL COMPENSATION AWARDED:-	Rs.63,000/-
ENHANCED AMOUNT OF COMPENSATION	(Rs.63,000/-)-(Rs.15,000/-) =Rs.48,000/-

The enhanced amount of compensation of Rs.48,000/- shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539**. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

August 19, 2015
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(RITU BAHRI)
JUDGE