

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No. 2556 of 2000

Date of decision:- 28.10.2015

Mahipal

...Appellant

Versus

Baljit Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Rajinder S. Rana, Advocate
for the appellant

Mr. R.K. Bashamboo, Advocate
for respondent No.3

Mr. Man Mohan, Advocate
for respondent No. 6

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 09.03.2000 passed by the learned Motor Accident Claims Tribunal Kurukshetra (for short, 'the Tribunal') to the tune of Rs.80,000/-.

FACTS NOT IN DISPUTE

2. On 21.09.1997, appellant along with Parmod Kumar (owner of four wheeler bearing registration No. HR-08-G.S-0112 was going

towards Babain from Assandh for loading the potatoes of one businessman Harish Chander who was also accompanying them and when they reached near Babain road turning, a truck bearing No. DBL-5259, being driven by respondent No. 1 in a rash and negligent manner came from behind and hit the above mentioned four wheeler and consequently, the four wheeler struck against truck No. HR-45-1182 which was coming from the opposite side. All the occupants of the four wheeler received multiple injuries. The injured were removed to L.N.J.P Hospital, Kurukshetra and the driver of the offending truck bearing NO DBL-5259 fled away from the spot.

3. The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced.

4. On the other hand, the learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal.

5. I have heard learned counsel for the parties and perused the record.

COMPENSATION ASSESSED BY MACT

6. The Tribunal awarded the compensation to the appellant under the following heads:-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1	Mental Shock, Pain and suffering	Rs.5000/-
2	Medical Expenses	Rs.50000/-
3	Special Diet	Rs.2000/-
4	Transport Allowance	Rs.3000/-
5	Loss of Income	Rs.5000/-
6	Loss on account of permanent disability and loss of future enjoyment	Rs.15000/-
	Total	Rs.80,000/-

RE-ASSESSED COMPENSATION

7. In the facts of the present case, Mahipal remained admitted in hospital for about six months and as per disability certificate (Ex P1), the appellant suffered 11½ percent permanent disability.

8. Reference at this stage can be made to a judgment of ***Ram Kiran Goyal vs. Sub Divisional Engineer (Mechanical) 2008 (2) RCR (Civil) 103*** whereby victim suffered 55% disability and compensation was awarded at the rate of Rs.2000/- for every 1% disability.

RE-ASSESSED COMPENSATION

9. In view of the above judgment, the compensation is re-assessed as under:-

HEAD	COMPENSATION AMOUNT
Loss on account of disability	11X2000=Rs.22,000/-
Loss of earnings during recovery	Rs.2500X6= Rs.15,000/-
Special Diet and Transportation Charges	Rs.20,000/-
Pain and Suffering	Rs.15,000/-
Medical treatment	Rs.50,000/-
TOTAL COMPENSATION AWARDED:-	Rs.1,22,000/-
ENHANCED AMOUNT OF COMPENSATION	1,22,000-80,000=Rs.42,000/-

8. The enhanced amount of compensation of Rs.42,000/- shall be payable within a period of forty five days 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.

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

October 28, 2015
G Arora

(**RITU BAHRI**)
JUDGE