

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

**FAO NO. 180 OF 1999 (O & M)
DECIDED ON : 09.04.2015**

Parmod Kumar

...Appellant

versus

Virender Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. Ajay Jain, Advocate,
for the appellant.

Ms. Sanamjeet Kaur, Advocate for
Mr. Ashwani Talwar, Advocate,
for the Insurance Company.

K. C. PURI, J. (ORAL)

This is an appeal directed by the claimant/appellant against the Award dated 04.09.1998 passed by Shri R. S. Madan, Motor Accident Claims Tribunal, Narnaul, vide which the claim petition preferred by the claimant/appellant was partly accepted. The prayer in the present appeal is for enhancement of compensation.

Briefly stated, on 28.08.11997, appellant Parmod Kumar received injuries in a motor vehicular accident.

The learned Tribunal, after adjudication found the driver of the mini bus negligent and as such, the owner and driver along with insurance company were held jointly and severally liable to pay the amount of compensation to the tune of ₹1,50,000/-.

The only grievance ventilated by learned counsel for the appellant is that the amount of compensation awarded by the Tribunal is on lower side. The learned Tribunal has allowed a total sum of ₹1,50,000/- as compensation under different heads which is mentioned as under :-

1.	Medical treatment	₹65,928-00
2.	Transportation	₹ 5,400-00
3.	Expenses towards attendant	₹ 4,000-00
4.	20% disability suffered by claimant	₹20,000-00
5.	Hospitalization for 42 days, bed rest, advised from the date of accident upto 10.04.1998 and other counts	₹55,000-00
Total		₹1,50,000-00

Learned counsel for the appellant has submitted that the appellant is in police department and he has suffered 20% disability, as per the certificate Exhibit P-3. He also remained as an indoor patient in Kalyani Hospital, Gurgaon, from 29.08.1997 to 09.10.1997. It is further submitted that the appellant was operated upon thrice i.e for debridement of wounds, steinman pin insertion, wound suturing, skin grafting open reduction and dynamic interlocking nail of the femur. On 18.09.1997, skin grafting was done and on 29.09.1997, open reduction and dynamic interlock nail of femur was done. It is

further submitted that an amount of ₹20,000/- in respect of pain and suffering is on lower side. The amount in respect of enjoyment of future is also on lower side.

The argument advanced by learned counsel for the appellant carries weight and it has to be accepted.

An amount of ₹20,000/- in respect of 20% disability is on lower side. The said amount stands enhanced to ₹40,000/-. The claimant is further held entitled to claim ₹30,000/- in respect of loss of pleasure of life and loss of future prospects.

In these circumstances, the claimant is held entitled to enhanced amount of ₹50,000/- more in addition to the amount awarded by the Tribunal. The said amount of ₹50,000/- shall carry interest @ 7.5% per annum from the date of filing petition before the Tribunal till payment. The liability to pay the enhanced amount also shall remain the same as ordered by the Tribunal.

APRIL 09, 2015
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(K. C. PURI)
JUDGE