

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

FAO No.185 of 2001

Date of decision: 27th February, 2015

Pardeep

... Appellant

Versus

Rajpal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Mani Ram Verma, Advocate
for the appellant.

Respondent No.1 and 2 – service exempted.

Mr. Ravinder Arora, Advocate – Standing Counsel
for respondent No.3.

FATEH DEEP SINGH, J.

Appellant Pardeep, who happens to be the claimant before the learned Tribunal, has impugned the insufficiency of the Award dated 25.07.2000 passed by the learned Motor Accident Claims Tribunal, Bhiwani awarding a sum of ₹10,000 as compensation for the injuries sustained by the claimant.

Heard Mr. Mani Ram Verma, Advocate for the claimant/appellant and Mr. Ravinder Arora, Advocate for the insurer/respondent No.3.

The findings on issue No.1 qua accident due to fault of the driver of the offending vehicle have attained finality as they have never been impugned. The claimant is a student of 8th Class and proven to be aged around 12 years and has suffered simple fracture of right leg and remained hospitalized for 29 days. Though claimant's father Satbir as PW2 claims that he has spent ₹45,000 on the treatment however, PW4 Dr.Rajeev Batish has only proved the MLR and none of the expenses have been proved and the medical bills mark 'A' to mark 'J' have never been legally proved and exhibited and therefore, cannot be legitimately taken as a part of the evidence.

It is squarely accepted on behalf of the appellant/claimant by his counsel Mr. Mani Ram Verma that there is no permanent disability suffered by the claimant. The learned Tribunal as is evident from the impugned Award has given the amount in lump sum without gauzing the various sufferings and the heads under which it ought to be awarded and certainly has fallen into an error. In view of the ratio of law laid down in '**R.D.Hattangadi v. Pest Control (India) Private Limited**' 1995 (2) PLR 298 SC, the claimant/appellant is certainly in view of his hospitalization and likely treatment having regard to the welfare nature of the Statute is entitled to the following compensation:

(A) Pecuniary Compensation

- | | | |
|------|--|-----------|
| (i) | Compensation assessed on account of medical expenses | ₹10,000/- |
| (ii) | Compensation assessed on account of services of attendant, special diet and conveyance | ₹15,000/- |

(B) Non-Pecuniary Compensation

(i)	Compensation assessed on account of physical pain, mental agony and sense of wrong	₹8,000/-
(ii)	Compensation assessed on account of loss of beauty/enjoyment of life	₹10,000/-
Total		₹43,000/-

Thus, total compensation comes to ₹43,000 (rupees forty three thousand only).

Besides this, the claimant shall also be entitled to interest @7.5% p.a. on the enhanced amount from the date of filing of the appeal till realization. Interim compensation paid, if any, shall be adjusted. Rest of the stipulations laid down by the Tribunal need not be disturbed.

No other argument has been raised.

With these discussions, the impugned Award is modified by way of acceptance of the instant appeal in those terms.

**(FATEH DEEP SINGH)
JUDGE**

February 27, 2015
rps