

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

FAO No.1294 of 2007

Date of decision: 4th February, 2015

Ravi Parkash

... Appellant

Versus

Mohinder Singh 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. R.K. Shukla, Advocate
for the appellant.

Service of respondents No.1 & 2 – dispensed with.

Mr. Suvir Dewan, Advocate
for respondent No.3.

FATEH DEEP SINGH, J.

The only assailment by the claimant in this appeal is over the meagerness of compensation so awarded to him to the tune of ₹52,000 by the learned Motor Accident Claims Tribunal, Patiala through its Award dated 08.11.2006 for the disablement so suffered by him.

Since findings on issue No.1 which went against the respondents was never put to challenge and thus have attained

finality. From the arguments of Mr. R.K. Shukla, Advocate representing the claimant/appellant and Mr. Suvir Dewan, Advocate for the insurer/respondent No.3 and on perusal of the records.

It is well elicited and proved beyond any doubt that the claimant at the time of accident was aged 21 years working as a labourer and due to the accident that took place on 10.10.2002 he suffered fracture of left leg. It is proved on the record that he remained admitted in Rajindra Hospital, Patiala for a period of two months six days and there is shortening of his left leg by 20% which is brought about by disability certificate Ex.P3 proved by PW2 Dr.Sanjiv Kumar Sareen, Medical Officer. The medical expenses proved by Ex.P7 to Ex.P126 though depict expenses to the tune of ₹53,186 and since the present claim has been preferred, as has been argued on behalf of the respondents, under the provisions of Section 163-A of the Motor Vehicles Act, 1988 (in short, 'the Act') and therefore, compensation has to be assessed in terms of Second Schedule to the Act. The learned Tribunal has rightly awarded him medical expenses in tune with the said Schedule amounting to ₹15,000 and has considered six months to be the non-earning period for the loss of earnings which has been taken as that of a labourer earning ₹2,000 per month amounting to ₹25,000. In the absence of any worthwhile evidence not much can be appreciated in favour of the claimants of other subsidiary entitlement of compensation however, keeping in view the welfare nature of the Statute claimant is certainly entitled to compensation on account of pain and sufferings, loss of beauty and pleasures of life and

which are summed up to the tune of ₹10,000 and which the learned Tribunal has failed to take note of. Thus, the amount awarded is modified and a total compensation of ₹62,000 is awarded to the claimant.

Besides this, the claimant is also 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.

With this, the impugned Award is modified and the appeal stands partly allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

February 4, 2015
rps