

In the High Court of Punjab and Haryana at Chandigarh

.....

F.A.O. No.387 of 2007 (O&M)

.....

Date of decision:5.8.2015

Sham Sunder Dhanda

.....Appellant

v.

State of Punjab and others

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Satinder Khanna, Advocate for the appellant.

Mr. N.K. Verma, Senior Deputy Advocate General, Punjab for
respondents No.1 and 2.

.....

Inderjit Singh, J.

This appeal has been filed by Sham Sunder Dhanda-appellant/
claimant against State of Punjab, Punjab Roadways, Ferozepur Depot,
Gurnek Singh-driver/respondents for enhancement of compensation from
₹1,40,000/- along with interest @7.5% per annum from the date of filing of
petition till realization awarded by the Motor Accident Claims Tribunal,
Ludhiana, vide award dated 27.7.2006.

The brief facts of the case are that on 4.7.2002, the claimant
along with his mother Vijay Rani, wife Meenu Dhanda, son Ankur Dhanda
and other residents of Jagraon started for Dera Baba Bhadbhag Singh on
Tata-407 bearing registration No.PB-10S-9730, which was being driven by

Sital Singh alias Sheetal Singh on the left side of the road from Jagraon to Ludhiana. It was 2.40 p.m., they reached opposite Sartaj Palace, Near Sacred Heart Convent School on Ferozepur Road, Jagraon, a bus bearing registration No.PB-12C-9350 (hereinafter referred to as 'the offending bus') came from the opposite side which was being driven rashly and negligently by its driver Gurnek Singh and struck against the above said Tata 407 by coming on the wrong side of the road. Consequently, all the occupants of Tata 407 including him received injuries. It is stated that the claimant/appellant suffered multiple and grievous injuries and permanent disability. He had undergone three operations. IM/IL nailing was done in the right femur and he had spent a sum of ₹3,00,000/- on his treatment and is still getting treatment and is incurring expenditure.

The respondents put in appearance before the Tribunal and contested the claim petition filed by the claimant. After framing the issues and the parties led their evidence, the Tribunal awarded compensation of ₹1,40,000/- to the claimant for the injuries suffered by him including an amount of ₹1,10,000/- which has been spent by him on the medical treatment. ₹15,000/- has been awarded towards loss of income during the period of treatment and in future due to disability; ₹15,000/- for pain and suffering; ₹5,000/- for special diet, ₹3,000/- towards transportation charges and ₹2,000/- towards expenses on attendant. Aggrieved against this award, the present appeal has been filed by the claimant.

Notice of motion has been issued in this case and respondents No.1 and 2 were represented by Mr. N.K. Vema, learned Senior Deputy

Advocate General, Punjab and contested this appeal. Respondent No.3- Gurnek Singh-driver of the offending had died during the pendency of proceedings before the Tribunal.

After hearing learned counsel for the appellant and the learned State counsel, I find that the compensation awarded by the Tribunal is on lower side. No amount on the ground of permanent disability has been given.

Keeping in view the facts and circumstances of the present case and the evidence on record, the compensation awarded to the claimant is liable to be enhanced as under:-

(1)	Expenses on treatment as per bills	:₹1,10,000/-
(2)	Loss of income during the period he remained under hospitalization and under treatment	:₹ 30,000/-
(3)	Pain and suffering	:₹ 25,000/-
(4)	Special diet	:₹ 10,000/-
(5)	Transportation charges	:₹ 10,000/-
(6)	Attendant charges	:₹ 10,000/-
(7)	Permanent disability	:₹ 8,000/-
	Total compensation	:₹2,03,000/-

As the claimant suffered 4% permanent disability, so on this account he is entitled for ₹8,000/-. Hence, the claimant is entitled to compensation of ₹2,03,000/- for permanent disability. The appellant is also entitled to interest as awarded by the Tribunal on the enhanced amount also from the date of the claim petition till actual payment. The Insurance

Company is directed to pay the enhanced amount of compensation to the appellant accordingly.

The appeal is disposed of accordingly.

August 5, 2015.

(Inderjit Singh)
Judge

hsp