

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

FAO No.799 of 2007 (O&M)

Decided on: 31.3.2015.

Arvind Gupta

... Appellant

Versus

Rakesh Kumar Gujjar and others

... Respondents

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

Present : Mr. U.K. Agnihotri, Advocate,
for the appellant.

Respondent No.4 exparte.

K.C.PURI.J.(ORAL)

This is an appeal directed by the injured against the Award dated 31.10.2006 passed by Motor Accident Claims Tribunal, Ambala (for short "the Tribunal") vide which the claim petition was partly accepted and a compensation of Rs.40,100/- was allowed as detailed below:-

Loss of income	Rs.28,800/-
Medical Expenses	Rs.6299/-
Pain and suffering	Rs. 5000/-

All the respondents were directed to pay the amount of compensation jointly and severally.

Learned counsel for the appellant has submitted that claimant remained in hospital from 13.7.2005 to 30.7.2015 i.e about 18 days and has suffered disability to the extent of 40% but the Tribunal has taken the disability to the extent of 5% only. It is further submitted that appellant was drawing salary of Rs.8000/- per month but the Tribunal has taken the

income of claimant as Rs.3000/- per month. It is further submitted that although, the bills of Rs.6299/- have been produced but all the bills could not be taken out. It is further submitted that Tribunal has not taken into account the special diet, attendant charges and future loss. The amount of Rs.5,000/- on account of pain and suffering is on lower side.

In this case, Sh. Narinder Singh, Advocate appeared on behalf of respondent No.4 earlier but today after repeated calls, none has appeared on behalf of respondent No.4 so, respondent No.4 is proceeded exparte.

The amount of Rs.40,100/- in respect of set of present circumstances is on lower side. The amount in respect of pain and suffering is on lower side. The amount in respect of loss of income by taking disability to the extent of 5% is also on lower side. However, the income taken as Rs.3000/- in the year 2005 cannot be said to be on lower side. Thus, the claimant is held entitled to claim the following amount:-

Medical Expenses	Rs.10,000/-
Pain and suffering	Rs.40,000/-
Loss of earning	Rs. 1 lac
Special diet during the period of hospitalization	Rs.10,000/-
Attendant charges during hospitalization	Rs.10,000/-

So, in this manner, the claimant-appellant is held entitled to claim Rs.1,70,000/- in all. The liability to pay the enhanced amount shall be the same as ordered by the Tribunal. The enhanced amount shall carry the same rate of interest as awarded by the Tribunal from the date of filing

application till payment.

The appeal stands partly allowed in the manner indicated
above.

31.3.2015.
SN

(K.C.PURI)
JUDGE