

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1036 of 2008 (O&M)
Date of Decision:16.02.2015

Raj Kumar alias Raju

....Appellant

Versus

Satya Pal Sharma and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Tribhawan Singla, Advocate for the appellant.

None for the respondents.

NAVITA SINGH, J.

1. Presence of only the Insurance Company was required as the vehicle was found validly insured. However, no one has appeared for respondent No.3 i.e. Insurance Company despite service. The said respondent is proceeded against ex parte. Respondent No.2 is served, respondent No.1 is unserved but their presence is not needed and is dispensed with.

2. Learned counsel for the appellant has been heard.

3. The appellant was injured in a motor vehicle accident on the night between 3rd and 4th day of February 2006 and was granted compensation to the tune of Rs.2,83,000/- by Motor Accident Claims Tribunal, Barnala. He came up in appeal for enhancement.

4. Learned counsel for the appellant argued that the latter had incurred permanent disability to the extent of 30% and the doctor concerned had stated in his cross examination that the appellant could feel difficulty in his studies due to problem in the eye on account of the injury. It was contended that due to prolonged absence from the school after the accident, the name of the appellant

was struck off and he lost one year. Counsel for the appellant submitted that an amount of Rs.60,000/- awarded on account of disability was very small and also under other heads besides the amount awarded for medical bills etc, the compensation was inadequate. Nothing was granted for transportation.

5. So far as the attendant charges during hospitalization and thereafter, as also those for special diet and pain and suffering are concerned, it is felt that the Tribunal took good care of those. For extra nourishment, an amount of Rs.20,000/- was awarded which, practically speaking, could not have been spent actually. For pain and suffering also, adequate compensation was awarded. Attendant charges were also awarded with open mind by the Tribunal. The Tribunal also took care and awarded a respectable amount for diminution of marriage prospects.

6. The only head, under which it may be said that the compensation was somewhat inadequate, was the head of disability. An amount of Rs.60,000/- was awarded by the Tribunal as generally the Tribunals award Rs.2000/- per per centum of the disability. Enhancement is, therefore, warranted under this head and it is accordingly ordered that in place of amount already awarded, the appellant shall get an amount of Rs.1,00,000/-.

7. The appeal is accordingly partly allowed granting enhancement of Rs.40,000/- and the enhanced amount shall fetch interest at the rate of 6% per annum.

(NAVITA SINGH)
JUDGE

16.02.2015
Ishwar

Whether to be referred to reporter: Yes