

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4940 of 2009 (O&M)
Date of Decision: July 23, 2015

Sohan Singh alias Sohan Lal

...Appellant

Versus

Chander Bhan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Budhwar, Advocate
for the appellant.

None for respondents No.1 and 2.

Mr.Suvir Dewan, Advocate
for respondent No.3-Insurance Company.

INDERJIT SINGH, J.

Appellant-claimant Sohan Singh alias Sohan Lal has filed this appeal against respondents Chander Bhan, driver, The Ramana-Ramani Co-operative Society Ltd., owner and the New India Assurance Company Ltd., Insurer of bus bearing registration No.HR-64A-1120 (offending vehicle), challenging the impugned Award dated 02.05.2009 passed by learned Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'Tribunal'), for enhancement of the compensation, which was awarded by the Tribunal. The Tribunal awarded ₹60,000/- along with interest @ 9% per annum on account of injuries suffered by the claimant-appellant in a motor vehicular

accident, in which he suffered fracture of left thigh and also suffered 7% permanent disability due to limitation of movements of left knee.

The Tribunal awarded ₹34,000/-, which amount has been spent by the claimant on his treatment and including this amount, total lumpsum compensation of ₹60,000/- has been awarded to the claimant on the ground of pain and sufferings, loss of income etc. during the time he remained confined in the hospital.

Notice of motion was issued and learned counsel for respondent No.3-Insurance company appeared and contested the appeal. None appeared on behalf of respondents No.1 and 2 despite service.

At the time of arguments, learned counsel for the appellant-claimant argued that no specific amount has been awarded on ground of special diet, attendant charges, transportation charges etc. nor any specific amount on account of permanent disability has been awarded.

On the other hand, learned counsel for the Insurance Company argued that compensation awarded by the Tribunal is correct and as per law.

After hearing learned counsel for the parties and after going through the record, I find that the Tribunal has not awarded any specific amount on ground of pain and sufferings, special diet, attendant charges, transportation charges nor on the ground of permanent disability. Rather, in lumpsum, ₹26,000/- has been awarded for pain and suffering and loss of income and ₹34,000/- for

medical treatment etc. Therefore, the compensation amount is liable to be enhanced.

Keeping in view the facts and circumstances of the present case and in view of 7% permanent disability, ₹14,000/- is awarded on this account. The claimant is also entitled to ₹34,000/- which he actually spent on his medicines and treatment. He is further entitled to ₹20,000/- on account of pain and suffering, ₹10,000/- as special diet, ₹5000/- as attendant charges, ₹10,000/- as transportation charges and ₹7000/- as loss of income for the period during which he could not do his routine duty.

Therefore, the compensation to the claimant-appellant is enhanced from ₹60,000/- to ₹1,00,000/- along with the same interest on the enhanced amount as awarded by the Tribunal from the date of filing of the claim petition till realization.

Therefore, finding merit in the present appeal, the same is allowed accordingly.

July 23, 2015
Vgulati

(INDERJIT SINGH)
JUDGE