

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

**FAO NO. 3119 OF 2010 (O&M)
DECIDED ON : 26.05.2015**

Babu Ram

...Appellant

versus

Jaswinder Singh and others

...Respondents

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

Present : Mr. Parminder Singh, Advocate,
for the appellant.

Mr. Gopal Mittal, Advocate,
for the respondent-Insurance Company.

K. C. PURI, J. (ORAL)

Respondent No.2 duly served but none has appeared.

Respondent No.2 is proceeded ex parte.

This is an appeal directed by injured-claimant against the Award dated 16.09.2009 passed by Shri N. P. Dewett, Motor Accident Claims Tribunal, Karnal, for enhancement of compensation.

The learned Tribunal, after adjudication, decided Issue No.1 in favour of the claimant and held that the accident was caused due to rash and negligent driving of truck bearing registration No. PB-11P-1395. The learned Tribunal allowed a sum of ₹73,071/-, details of which is given as under :-

<i>S.No.</i>	<i>Under the head</i>	<i>Amount (in ₹)</i>
1	Compensation on account of loss of teeth and fracture of nasal bone and spinal injury.	25,000/-
2	Cash receipts and medical bills Ex.P3 to Ex.P21 and Ex.PW2/A to Ex.PW2/D and Ex.PW3/B.	33,071/-
3	Mental pain and sufferings, hospitalization, special diet and transportation etc.	15000/-
	Total	73,071/-

Learned counsel for the appellant has submitted that the appellant suffered nasal bone fracture and injury on the spinal cord. It is further contended that the appellant suffered loss of eight teeth and he remained admitted in hospital for about five days. It is further contended that the amount granted in respect of special diet, mental pain and suffering, hospitalization and transportation is on lower side as only a sum of ₹15,000/- has been allowed under these heads. It is further contended that no amount in respect of attendant charges has been granted.

Learned counsel for respondent-Insurance Company has supported the Award passed by the Tribunal.

I have considered the rival submissions made by both the sides and have gone through the records of the case.

Learned Tribunal has allowed as sum of ₹25,000/- in respect of loss of teeth, fracture of nasal bone and spinal injury ₹33,071/- in respect of actual medical expenses. The said amount has not been challenged by the appellant, during the course of arguments. The grey area in the present appeal is that a sum of

₹15,000/- granted in respect of mental pain and suffering, transportation, attendant charges, special diet is on lower side.

In these circumstances, another sum of ₹50,000/- in addition to the amount already awarded by the Tribunal, stands granted in respect of special diet, mental pain and suffering, attendant charges, transportation etc. The said amount of ₹50,000/- shall carry interest @ 7.5% per annum from the date of application till its realisation. The liability to pay the amount shall remain the same as ordered by the Tribunal. The recovery rights in respect of the enhanced amount in favour of the Insurance Company also stands affirmed.

Disposed of accordingly.

MAY 26, 2015
shalini

(K. C. PURI)
JUDGE