

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

**1. Date of decision: 08.10.2015
FAO No.2154 of 2012 (O&M)**

Rameshwar Dass

.....Appellant

Versus

Satwinder and others

.....Respondents

2. FAO No.3682 of 2012 (O&M)

Ram Parkash

.....Appellant

Versus

Satwinder and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Neeraj Madan, Advocate,
for Mr. Namit Khurana, Advocate,
for the appellant(s).**

None for respondent Nos. 1 and 2.

**Mr. Nitin Mittal, Advocate,
for Mr. Subhash Goel, Advocate,
for respondent No.3.**

Ritu Bahri, J.

By this common order, FAO Nos.2154 and 3682 of 2012 shall be decided together being arisen out of common award dated 02.05.2011 passed by the Motor Accident Claims Tribunal, Yamuna Nagar (hereinafter referred to as `the Tribunal'), wherein the claimants-appellants are seeking enhancement of compensation awarded by the Tribunal on account of

injuries received by them in a vehicular accident.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 05.08.2009, appellant-claimants Rameshwar Dass and Ram Parkash were going from village Kanjnu to Yamuna Nagar on their tractor trolley bearing registration No.HYQ-8768. The said tractor trolley was being driven by Rameshwar Dass, whereas Ram Parkash was sitting on the mudguard of the tractor. At about 5.30 a.m., when they reached near village Kishanpura (Damla) on Radaur-Yamuna Nagar road, a truck bearing registration No.HR-58-A-0554, being driven by respondent No.1-Satwinder in a very rash and negligent manner, came from Yamuna Nagar side and struck against their tractor trolley, as a result of which they received multiple injuries. Their tractor trolley was also damaged in the accident. The injured were shifted to Civil Hospital, Radaur, from where, they were taken to Gaba Hospital, Yamuna Nagar. Rameshwar Dass was stated to have remained admitted in the hospital for three days and had spent a sum of Rs.40,000/- on his treatment. Injured-Ram Parkash also alleged to have remained admitted in Gaba Hospital for ten days and had spent Rs.80,000/- on his treatment. The accident had occurred due to rash and negligent driving by respondent No.1. With regard to the accident, FIR No.165 dated 05.08.2009 was registered at Police Station, Sadar, Yamuna Nagar. Consequently, the claimants-appellants filed separate claim petitions before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

The Tribunal, on the basis of evidence led by the parties, returned a finding that the accident had taken place on account of rash and negligent driving of truck bearing registration No.HR-58-A-0554 by Satwinder-respondent No.1. Ultimately, the claim petitions were accepted by the The

tribunal and claimant-Rameshwar Dass was granted a sum of Rs.10,700/- as compensation on account of injuries received by him. This compensation was granted by taking into consideration the bills of medicines, Ex.P13, Ex.P14, Ex.P24 and Ex.P25, for a sum of Rs.709/-. Apart from that, he was also granted a sum of Rs.10,000/- towards pain and sufferings, transportation and special diet etc.

As far as claimant-Ram Parkash is concerned, he had proved on record the bills, Ex.P15 to Ex.P19, Ex.P26 and Ex.P27, for a total sum of Rs.4828/-. Accordingly, Rs.4828/- were awarded towards medical charges and Rs.10,000/- towards pain and suffering, transportation and special diet etc. Thus, a total compensation of Rs.14,828/- was awarded to Ram Parkash on account of injuries sustained by him in the aforesaid accident.

Feeling dissatisfied with the impugned award, the claimants-appellants have preferred the present appeals.

REASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the claimants-appellants have received injuries as a result of the accident.

In the peculiar facts and circumstances of the case, to meet the ends of justice, this Court is of the view that apart from the aforesaid compensation, the injured-appellants are also entitled to separate compensation on account of transportation and special diet. Accordingly, compensation in respect of appellants-Rameshwar Dass and Ram Parkash is re-assessed as follows:-

RAMESHWAR DASS

SR. No.	HEADS	CALCULATION
(i)	Medical charges	Rs.709/-
(ii)	Pain and suffering	Rs.10,000/-
(iii)	Special diet	Rs.5000/-
(iv)	Transportation charges	Rs.2500/-
(v)	TOTAL COMPENSATION AWARDED	Rs.18,209/-
	Enhanced amount of compensation	Rs.18,209 – 10,700/- = Rs.7,509/-

RAM PARKASH

SR. No.	HEADS	CALCULATION
(i)	Medical charges	Rs.4828/-
(ii)	Pain and suffering	Rs.15,000/-
(iii)	Special diet	Rs.5000/-
(iv)	Transportation charges	Rs.2500/-
(v)	TOTAL COMPENSATION AWARDED	Rs.27,328/-
	Enhanced amount of compensation	Rs.27,328 – 14,828/- = Rs.12,500/-

The enhanced amount of compensation of **Rs.7,509/-** to Rameshwar Dass and **Rs.12,500/-** to Ram Parkash shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of **Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others**, 2015(1) SCC 539. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeals are partly allowed.

08.10.2015
ajp

(RITU BAHRI)
JUDGE