

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

FAO No.4106 of 2012

Date of decision:- 08.09.2015

Naresh Kumar

...Appellant

Versus

Kayam and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Arvind Kumar, Advocate
for the appellant

Mr. Rajbir Singh, Advocate
for respondent No.3-Insurance Company

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 03.04.2012 passed by the learned Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal') to the tune of Rs. 41,380/-.

FACTS NOT IN DISPUTE

2. On 30.06.2009, appellant was travelling as a pillion rider on the motorcycle NO. RJ-02-SB-7614 being driven by Narender Kumar. They were coming from village Tatarpur to Daruhera and when they reached near Bhiwadi bye pass, a truck bearing registration No. HR-55-H-6204 being driven in a rash and negligent manner came from their back side and dashed in to their motorcycle. The petitioner and

GAURAV ARORA
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I attest to the accuracy and
integrity of this document

Narender fell on the road and suffered multiple injuries. The left leg of the petitioner was crushed under the motorcycle. The petitioner was taken to Raman Munjal Memorial Hospital Sidhrawali by his friend Narender. The driver of the offending vehicle after causing accident, fled away from the spot. F.I.R in this regard was got registered at P.S. Dharuhera. The petitioner remained hospitalized w.e.f 30.06.2009 to 27.06.2009 and spent around Rs.4 lacs on his treatment, medicines, attendant, conveyance, special diet etc. The petitioner became permanently disabled and had lost one valuable year of his academic career.

3. The learned counsel for the claimant-appellant contends that the learned Tribunal has erred in awarded the compensation to the petitioner to the tune of Rs.41,380/- only, as the learned Tribunal has not included the amount of medical bills i.e PE/1 to PE/63 and PF/1 to PF/9 which were duly proved and further the amount of Rs. 15,000 awarded to the appellant on account of pain and suffering is also on the lower side.

4. On the other hand, the learned counsel for the respondent-Insurance Company have vehemently opposed the present appeal.

5. I have heard learned counsel for the parties and perused the record.

6. After going through the medical bills Ex PD, it transpires that the calculation of the above said bills (PE/1 to PE/63 and PF/1 to PF/9) were left out by the learned Tribunal while awarding the compensation.

7. In view of the above, the compensation of Rs.6380/- towards medical bills is enhanced to Rs.21342 (rounded off to Rs.21400/-) and Rs.25,000 towards pain and suffering instead of Rs. 15,000/-.

8. The enhanced amount of compensation of Rs.46,400/- shall be payable within a period of forty five days 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 a 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.

9. Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

September 08, 2015

G Arora

(**RITU BAHRI**)

JUDGE