

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

FAO-1397-2014 (O&M)

Date of decision: 20.10.2015

Naib Singh

..... Appellant

Versus

Tarsem Singh and others

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest ? Yes

Present: Mr. Abhishek Arora, Advocate for the appellant.

Mr. Navdeep Monga, Advocate for respondents No.1 & 2.

Mr. Paul S. Saini, Advocate for respondent No.3.

DARSHAN SINGH, J.

CM-4900-CII-2014

There is delay of 80 days in filing the appeal. The claimant has moved the application under Section 5 of the Limitation Act for condonation of the delay.

Learned counsel for the respondents stated that they do not want to file any written reply to the aforesaid application.

Heard on the application.

In view of the reasons mentioned in the application, the delay in filing the appeal is satisfactorily explained and the same is hereby condoned.

FAO-1397-2014

The present appeal has been preferred against the award dated 18.12.20012 passed by learned Motor Accidents Claims Tribunal, Mansa (hereinafter referred to as 'the Tribunal).

2- Appellant-claimant Naib Singh has filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation to the tune of ₹ 20,00,000/- on account of injuries suffered by him in the motor vehicular accident, which took place on 13.07.2011 in the revenue limits of village Dulowal, Distt. Mansa. The learned Tribunal vide impugned award dated 18.12.20012, partly allowed the petition filed by the appellant-claimant and awarded the compensation of ₹ 6,50,000/- along with interest.

3- Aggrieved with the aforesaid award, the present appeal has been preferred by the appellant-claimant.

4- I have heard Mr. Abhishek Arora, Advocate, learned counsel for the appellant, Mr. Navdeep Monga, Advocate, learned counsel for respondents No.1 & 2, Mr. Paul S. Saini, Advocate, learned counsel for respondent No.3 and have meticulously examined the record of the case.

5- Learned counsel for the appellant-claimant contended that the learned Tribunal has awarded very small amount towards special diet

and attendant charges. He contended that the claimant has suffered amputation of his right lower limb through ankle as well as other injuries. He suffered 60% disability. In view of the injuries suffered by him, he required high protein and special diet. The Tribunal has awarded only a sum of ₹ 6000/- towards special diet and only ₹ 5000/- towards attendant charges.

6- On the other hand, learned counsel for the respondents pleaded that the amount of compensation awarded by the learned Tribunal under all the heads is just and appropriate.

7- I have duly considered the aforesaid contentions.

8- I find considerable substance in the contentions raised by learned counsel for the appellant-claimant. The appellant-claimant has suffered amputation of the right lower limb through ankle and dynamic hip screw left hip. He has to take help of crutches while walking and also has limp. He has suffered 60% disability due to the injuries suffered by him in this accident. He remained admit in the hospital for treatment w.e.f. 13.07.2011 to 22.07.2011. During this period he underwent surgery. He was again admitted on 08.08.2011 and was discharged on 16.08.2011. So, he remained hospitalized for about 17 days on two occasions. In view of the injuries suffered by the appellant, he must have required the high protein and rich diet. So, the amount of ₹ 6000 awarded by learned Tribunal towards special diet is on the lower side and the same is enhanced to ₹ 15,000/-.

9- The learned Tribunal has awarded ₹ 5000/- towards

attendant charges. The claimant has undergone surgery. He remained hospitalized for number of days. Even after his discharge from hospital, he must have needed the help of the attendant as his right leg was amputated. Thus, the compensation towards attendant charges is enhanced from ₹ 5000/- to ₹ 11,000/-.

10- With this increase of ₹ 15,000/- towards special diet and attendant charges, the total amount of award stands modified from ₹ 6,50,000/- to ₹ 6,65,000/-.

11- No other point was raised before this Court.

12- In view of the aforesaid discussion, the present appeal is hereby partly allowed. The award dated 18.12.20012 is hereby modified. The appellant-claimant shall be entitled to a total sum of ₹ 6,65,000/- as compensation on account of injuries suffered by him in the present accident instead of ₹ 6,50,000/- as awarded by learned Tribunal. The enhanced amount of ₹ 15,000/- be paid to the claimant by respondents No.1 to 3 jointly and severally as per the award, within 45 days from the date of this order in cash, failing which the appellant claimant shall be entitled to interest @ of 7.5% per annum from the date of filing the claim petition till realization.

Dated: 20.10.2015
sunil yadav

(DARSHAN SINGH)
JUDGE