

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

235

FAO No.3159 of 2013

DATE OF DECISION: January 19, 2015

Joginder Pal

....Appellant.

VERSUS

Om Parkash and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present: Mr. Rajesh Lamba, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
for respondent no.3.

Mr. Ravinder Arora, Advocate
for respondent no.6.

MAHAVIR S. CHAUHAN, J.(Oral)

Appellant Joginder Pal, Notary Public, while travelling in a car bearing registration no.HR-51M-1295, received injuries on his right hand in a Motor Vehicular Accident caused on account of rash and negligent driving of a trolly bearing registration no.HR-55G-9515 by Om Parkash at about 6.00 a.m. on 26.12.2010. A compensation amounting to Rs.5,50,000/- was claimed by the appellant.

Claim application was contested by the respondents. Issues were framed. Parties adduced evidence. Learned Motor Accident Claims Tribunal, Faridabad (for short- 'the Tribunal') on appraisal of the evidence and after

hearing the parties, vide award dated 28.02.2013, allowed compensation amounting to Rs.50,000/- in favour of the appellant and held respondent no.3, M/s New India Assurance Company Ltd. liable to make the payment.

By way of this appeal, appellant prays for enhancement of compensation awarded to him by the learned Tribunal.

I have heard learned counsel for the parties.

It is argued on behalf of the appellant that the learned Tribunal has allowed compensation amounting to Rs.50,000/- on account of expenditure on medicines, for pain and suffering and special diet etc., which is on the lower side and, no compensation has been allowed for special attendant engaged by the appellant during his treatment.

On behalf of respondent insurer it is argued that an amount of Rs.46,326/- has been received by the appellant under mediclaim for expenditure on medicines etc. and as such a compensation amounting to Rs.50,000/- awarded by the learned Tribunal cannot be said to be on the lower side.

Factum and manner of occurrence are not disputed.

It has come on record that appellant remained admitted in the hospital from 26.11.2010 to 01.01.2011. During this period he must have engaged some special attendant to take care of him and was also deprived of his income. He may have also visited the hospital for follow up treatment on many occasions and on those days also he indisputedly was deprived of his income which he would have earned as Notary Public. The learned Tribunal has not specified how much compensation has been allowed for special diet and how much for pain and suffering. Going by the above said circumstances, I feel that appellant deserves grant of compensation

amounting to Rs.25,000/- for pain and suffering, expenditure on special attendant, special diet and loss of income. Accordingly, award dated 28.02.2013 is modified and compensation payable to the appellant is enhanced to Rs.75,000/-. It shall be inclusive of the compensation awarded by the learned Tribunal while other terms of the award shall remain unchanged.

The appeal is disposed of in the aforesaid terms.

No costs.

(MAHAVIR S. CHAUHAN)
JUDGE

January 19, 2015.

komal