

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

FAO No.5071 of 2013 (O&M)
Date of Decision:21.09.2015

Ravi

....Appellant

Versus

Balvindra Singh Billu and others

....Respondents

AND

(2)

FAO No.5072 of 2013 (O&M)

Parmod

....Appellants

Versus

Balvindra Singh Billu and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Namit Sharma, Advocate for the appellant in both appeals.

Mr. R.K. Bashamboo, Advocate for respondent No.3-
Reliance General Insurance Company in both appeals.**NAVITA SINGH, J.**

1. Both these appeals are preferred against award dated 6.3.2013 passed by Motor Accident Claims Tribunal, Panipat (Tribunal for short) for enhancement of compensation in both cases. Appellant Ravi was awarded a compensation of Rs.2,51,000/-, whereas appellant Parmod was awarded a sum of Rs.77,000/-.

2. Both the appellants were injured in the road side accident on 2.3.2011 when they were standing on the kacha portion of the road and were hit by Canter HR-67-7057, which was being driven in a rash and negligent manner. A criminal case was also lodged against the driver-respondent No.1. Both the appellants were students, Ravi being 13 years old and Parmod being 20 years old.

3. On behalf of appellant Ravi, it was argued that the bill (Ex.P66) was considered and believed by the Tribunal but it was erroneously recorded that an amount of Rs.1,21,000/- was proved to be paid under the said document, though the bill was for Rs.1,46,000/-. The contention is acceptable because in the said document, the total amount was Rs.1,46,000/-, out of which advance payment of Rs.1,21,000/- stood made and the balance required to be paid was Rs.25,000/-. In the receipt details given by way of endorsement on the document, the amount of Rs.25,000/- stood paid. Even otherwise, no discount was given and, therefore, it is presumable that the balance amount of Rs.25,000/- was paid to the hospital as patients are not discharged unless the bills are cleared. The amount of Rs.1,46,000/- is, therefore, payable to appellant Ravi.

4. The next contention of counsel on behalf of appellant Ravi was that a meager amount of Rs.5000/- was granted towards transportation and special diet and an equal amount for pain and suffering. The amount regarding future medical expenses was also stated to be small but it is felt that the said amount of Rs.20,000/- was sufficient. Regarding special diet and pain and suffering, the amount awarded was not even peanuts and also nothing was awarded as charges for special attendant. It is, therefore, felt that for special diet, the said appellant should be granted an amount of Rs.30,000/- in all and for pain and suffering, Rs.50,000/- in all. Towards special attendant, an amount of Rs.10,000/- is also awarded. Therefore, the appellant Ravi is awarded Rs.1,05,000/- in addition to the amount awarded by the Tribunal.

5. So far as appellant Parmod is concerned, there is no proof that he was earning anything by imparting tuition. The amount awarded for treatment was correctly given. On account of permanent disability to the tune of 3%, loss of earnings/amenities was sufficiently quantified at Rs.25,000/-. The arguments advanced for enhancing the amount to that effect are not accepted. However,

regarding pain and suffering, special diet and attendant, no proper amount was given as only meager amount of Rs.5000/- was given towards pain and suffering. The amount for transportation was sufficient. A consolidated amount of Rs.60,000/- is awarded towards pain and suffering, special diet and attendant charges. Therefore, the appellant Parmod is awarded Rs.55,000/- in addition to the amount awarded by the Tribunal.

6. Both the appeals are allowed in the above terms.

**(NAVITA SINGH)
JUDGE**

21.09.2015
Ishwar

Whether to be referred to reporter: No