

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 5111 of 2013
Date of Decision:- 06.05.2015

Parmod Kumar

.....Appellant

Versus

Satish and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Present: Mr. J.P. Sharma, Advocate for the appellant.

Mrs. Swatanter Kapoor, Advocate,
for respondent No.3-Insurance Company.

SHEKHER DHAWAN, J.

Appellant-claimant is in appeal against the award dated 02.08.2013, passed by the Motor Accidents Claims Tribunal, Narnaul (hereinafter to be referred as 'The Tribunal'), whereby 'The Tribunal' awarded the compensation of ₹2,93,258/- on account of injuries having been sustained by appellant in motor vehicle accident.

2. Relevant facts for the purpose decision of appeal that on 10.10.2011 appellant was going on his motorcycle bearing registration No.HR-26AN-4334 and bus No.HR-66-I747 which was being driven by respondent No.1 in rash and negligent manner and struck against his motorcycle. Resultantly, the appellant sustained injuries and he was taken

to Community Health Centre, Mohindergarh and then to Medanta Hospital, Gurgaon, where he remained admitted till 16.10.2011. The matter was reported to the police and the claim petition before 'The Tribunal'.

3. Respondents contested the claim petition on all accounts. 'The Tribunal' considered the material and evidence available on file, awarded compensation to the tune of ₹2,93,258/-. Being dissatisfied with the awarded amount of compensation, the appellant is in appeal before this Court.

4. At the time of arguments, Mr. J.P. Sharma, learned counsel for the appellant took the plea that appellant is unmarried young man of 20 years and had sustained various injuries, for which he remained indoor patient in Medanta Hospital, Gurgaon. He had suffered on account of loss of earnings. More so, the injuries adversely effected his marriage prospects and future earnings as well. He had to employ attendant but 'The Tribunal' has not awarded adequate compensation against these heads.

5. Mrs. Swatanter Kapoor, Advocate, learned counsel for the respondent No.3-Insurance Company took the plea that 'The Tribunal' has already awarded just compensation, as there was no permanent disability or disfigurement to the appellant in this motor vehicle accident. The medical expenses have already been taken care. There is no proof regarding income of injured. So, the appeal is without any merit and same be dismissed.

6. Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that the appellant had to spend a sum of ₹2,27,158/- and the entire medical expenses have been reimbursed by 'The Tribunal'. Apart from that, he has been awarded compensation on account pain and suffering, special diet, transportation charges and loss of earnings. However, 'The Tribunal' has not awarded sufficient amount on account of pain and suffering, transportation charges, loss of income despite the fact that the appellant had been shifted to a distant place from his place of residence i.e. village Buchawas in Mohindergarh District to Medanta Hospital, Gurgaon. Such accident resulted into lot of pain and sufferings for the injured as well as his family members, who must had been attending to him. But 'The Tribunal' has not awarded just compensation.

7. Accordingly, the amount of compensation enhanced by ₹50,000/- against pain and suffering and ₹10,000/- against transportation charges and another sum of ₹20,000/- against loss of income. The total enhanced amount of enhanced compensation ₹80,000/- shall be payable from the date of claim petition along with interest @ 7.5% per annum. However, the remaining conditions regarding payment of interest and disbursal of amount shall remain unaltered.

8. Resultantly, the present appeal accepted partly.

May 06, 2015
naresh.k

(**SHEKHER DHAWAN**)
JUDGE