

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

FAO-1135-1997 (O&M)
Date of Decision: 08.04.2016

Sukhdev Singh

...Appellant

Versus

Dilbagh Rai Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the appellant.

None for respondent No.1

Mr. Neeraj Khanna, Advocate
for respondent No.2.

None for respondent No.3.

Mr. Suvir Dewan, Advocate
for respondent No.4

JITENDRA CHAUHAN, J. (Oral)

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Ambala, ('the Tribunal', for brevity) vide award dated 21.02.1997.

2. It has been averred in the petition that a meager compensation of Rs.81,000/- has been allowed, whereas, the appellant had spent an amount of Rs.90,000/- on his treatment.

The appellant was engaged in a private job and had suffered multiple injuries including permanent disability to the extent of 20% in the accident, therefore, the learned Tribunal ought to have allowed the entire amount spent on treatment. The injured remained hospitalized from 09.03.1994 to 16.04.1994 and again from 25.07.1994 to 05.08.1994, however, only Rs.20,000/- has been awarded towards cost of treatment and conveyance charges. In view of the injuries, the compensation awarded under the different heads is grossly inadequate and deserves to be enhanced.

3. The learned counsel for respondent No.2 and 4, have vehemently opposed the present appeal on the ground that just and reasonable compensation has already been awarded to the appellant.

4. I have heard the learned counsel for the respondents and perused the record.

5. The accident is not in dispute. The appellant suffered multiple injuries and remained hospitalized from 09.03.1994 to 16.04.1994 in PGIMER, Chandigarh and was re-admitted on 25.07.1994 till 05.08.1994. He also suffered permanent disability to the extent of 20%. Thus, the amount of Rs.5000/-, on account of pain and suffering, keeping in view the multiple injuries, is

certainly inadequate. Therefore, the same is enhanced to another Rs.25,000/-. The appellant was a young man of 23 years. It would certainly affect his matrimonial prospects. Keeping in view the fact that the appellant suffered fracture of facial bones and various injuries on his body, it can be safely inferred that this would impair the chances of getting prospective better match, therefore, the compensation of Rs.5000/- awarded towards loss of enjoyment of life is grossly inadequate and the same is enhanced to Rs.30,000/-. The compensation awarded under all other heads seems to be just and reasonable.

6. In view of the above, the claimant-appellant is held entitled to enhanced compensation of Rs.50,000/-, as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of certified copy of this judgment, failing which, he shall also be entitled to interest @ 7.5% p.a., from the date of filing the present appeal, till its realization. The respondent No.2 shall indemnify the award.

7. With the aforesaid modification in the impugned award, the present appeal is partly allowed.

08.04.2016

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**(JITENDRA CHAUHAN)
JUDGE**