

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

**FAO-3884-2001 (O&M)
Date of decision: 30.03.2016**

Rajesh

...Appellant

Versus

Sant Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rahul Rathore, Advocate for the appellant.

Mr. Ashwani Talwar, Advocate for respondent No3.

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JITENDRA CHAUHAN, J.

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Rohtak, ('the Tribunal', for brevity) vide award dated 14.12.2000.

The learned counsel for the appellant contends that the compensation awarded by the learned Tribunal is inadequate in view of the fact that the appellant had suffered injury on his head and fracture of the clavicle bone. He further states that the appellant remained hospitalised from 27.02.98 to 03.03.98.

On the other hand, the learned counsel for the Insurance Company contends that a just and reasonable compensation has been awarded to the appellant.

I have heard the learned counsel for the parties and perused the record.

As per the report, Ex.PW22/A, prepared by Dr. Ram Phal Kalonia, the appellant had suffered permanent disability to the extent of 3%. This is also not in dispute that the appellant was admitted to hospital on 27.02.98 and discharged on 03.03.98. This is to be seen that the appellant remained hospitalised and had to undergo pain and suffering during the post treatment period as well, therefore, this Court feels that another sum of Rs.15,000/-, is awarded for 'permanent disability and pain and suffering', to meet the ends of justice. It is ordered accordingly.

In view of the above, the injured-appellant is held entitled to the enhanced compensation of Rs.15,000/- towards 'permanent disability and pain and suffering' payable to the injured-appellant, 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 a certified copy of this judgment, failing which, he shall also be entitled to interest as indicated in the award i.e. 7.5% per annum, from the date of filing the present appeal, till its realization.

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

30.03.2016

**(JITENDRA CHAUHAN)
JUDGE**