

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 3355 of 2003

Date of Decision: 21.7.2016

Zile Singh

---Appellant

versus

Ramautar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. A.K.Jindal, Advocate
for the appellant**

**Mr. Harsh Aggarwal, Advocate
for the insurance company**

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

Rekha Mittal, J.

The injured claimant is in appeal seeking enhancement of compensation in respect of injuries sustained by him in a motor

vehicular accident on 12.6.2000 due to rash and negligent driving of Jeep No. RJ-32-164 by its driver Ramautar, respondent no. 1.

The Motor Accident Claims Tribunal, Narnaul (for short “the Tribunal”) awarded compensation under the following heads:-

1. Pain and sufferings	-	Rs. 10,000/-
2. Medical expenses	-	Rs. 15,000/-
3. Transportation charges-		Rs. 10,000/-
4. Special diet and attendant		Rs. 10,000/-
5. Loss of income	-	Rs. 5000/-
Total	-	Rs. 50,000/-

Counsel for the appellant would contend that compensation awarded under various heads requires enhancement in view of nature of injuries, period of treatment coupled with the factum that the appellant was operated upon for contusion in right temporal region. It is further submitted that the appellant was working as a truck driver and the Tribunal has awarded less compensation for loss of income.

Counsel for respondent No. 3 (United India Insurance Company Limited) has supported the award passed by the Tribunal with the submissions that no intervention is warranted in the circumstances of the present case.

I have heard counsel for the parties, perused the paper book

particularly the award dated 7.4.2003 passed by the Tribunal.

The compensation awarded by the Tribunal under the first four heads, reproduced hereinbefore, does not warrant any enhancement. However, it has been proved on record that the appellant was working as a truck driver and getting monthly salary of Rs. 3500/-. Taking into consideration the nature of injuries sustained and the fact that he was operated upon for contusion in right temporal region, loss of income is assessed to the tune of Rs. 7000/- per month by holding that he must not be able to resume his job at least for a period of two months. In this manner, compensation is enhanced to the tune of Rs. 2000/- payable with interest in terms of award passed by the Tribunal.

Appeal stands disposed of.

(Rekha Mittal)
Judge

21.7.2016

PARAMJIT