

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

FAO-2717-2004 (O&M)

Date of decision: 19.05.2016

Siri Chand

...Appellant

Versus

Balbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R. A. Yadav, Advocate,
for the appellant.

Mr. Sandeep Suri, Advocate
for respondent No.3.

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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 learned Motor Accidents Claims Tribunal, Gurgaon, ('the Tribunal', for brevity) vide award dated 29.03.2004.

It is contended that the appellant remained hospitalized for more than 1½ year and suffered permanent disability to the extent of 25%. The appellant had sustained serious injuries including fracture of right thigh, right leg and right wrist. Therefore, the learned Tribunal awarded the compensation of Rs.10,000/- under the head of pain and suffering, attendant charges and transportation, which is inadequate.

No other point is asserted.

The learned counsel for respondent No.3 states that a just and reasonable compensation has been awarded by the learned Tribunal. Therefore, the present appeal is liable to be dismissed.

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

As per record, the appellant suffered multiple fractures. Keeping in view the nature of injury and period of hospitalization, this Court feels that another amount of Rs.15,000/- towards pain and suffering, and Rs.25,000/- for special diet, transportation & attendant charges would sufficiently meet the ends of justice.

In view of the above, the injured-appellant is held entitled to the enhanced compensation of Rs.40,000/- [(Rs.15,000/- (enhancement towards pain and suffering) + Rs.25,000/- (enhancement towards special diet, transportation and attendant charges)], 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.

19.05.2016

**(JITENDRA CHAUHAN)
JUDGE**