

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

FAO-4947-2002 (O&M)

Date of Decision: 27.04.2016

Manoj Kumar

...Appellant

Versus

Danveer Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Thakur, Advocate for
Mr. I.D. Singla, Advocate for the appellant.

None for the respondents.

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, Rewari, ('the Tribunal', for brevity) vide award dated 31.07.2002.

2. It is contended that at the time of accident, the appellant a young boy was a student of B.A. Part-I. On account of head injury suffered in the accident, the appellant could not appear in the final examination. It is further contended that the appellant spent Rs.10,000/- on his treatment, however, no amount has been awarded towards pain and suffering, special diet and for the loss of studies.

3. I have heard the learned proxy counsel for the appellant

and perused the record.

4. The accident is not in dispute. The appellant suffered multiple head injuries and remained hospitalized from 09.04.1998 to 12.04.1998 in PGIMS, Rohtak. He remained under treatment as an outdoor patient for 4/5 months. Keeping in view the serious head injuries, the amount of Rs.3000/-, on account of pain and suffering, is certainly inadequate. Therefore, the same is enhanced to another Rs.5000/-. The appellant was a young boy of 19 years. He was a student. Due to the accident he lost one previous year. Therefore, an amount of Rs.10,000/- is awarded towards loss of studies. The compensation awarded under all other heads seems just and reasonable.

5. In view of the above, the claimant-appellant is held entitled to enhanced compensation of Rs.15,000/-, 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.

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

27.04.2016

sumit.k

**(JITENDRA CHAUHAN)
JUDGE**