

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

**FAO No.1518 of 2005 (O&M)
Date of decision :11.01.2016**

Kamaljit Singh

.....Appellant

Versus

Pawan Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

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

Present: Mr. T.S. Rai, Advocate for
Mr. S.S. Swaich, Advocate for appellant.

Respondent No.1 reported to have died.

None for respondent No.2.

Respondent No.3 already ex parte.

DARSHAN SINGH, J.

CM No.5834-CII of 2005

There is delay of 8 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed.

FAO No.1518 of 2005

The present appeal has been preferred against the award dated 23.11.2004 passed by learned Motor Accidents Claims Tribunal, Rupnagar (hereinafter called the 'Tribunal'), vide which the claim petition filed by the appellant for grant of compensation on account of the injuries suffered by him in the motor vehicular accident, which took place on 22.10.2001, has been allowed and he has been awarded the compensation to the tune of Rs.21,000/- along with interest @ 6% per annum from the date of filing the claim petition till realization. Respondent No.3 Anil Kumar (who was respondent No.4 in the claim petition) was held liable for payment of the awarded amount.

2. Learned counsel for the appellant contended that the amount of compensation awarded by the learned Tribunal is inadequate. The claimant has been awarded only Rs.5000/- on account of the pain and sufferings and conveyance charges. He has suffered the serious injury in this accident and was even operated upon. He is a vegetable vendor and due to the accident he had to remain confined to the bed. No attendant charges have been awarded in the claim petition.

3. I have duly considered the aforesaid contentions.

4. The claimant has suffered the fracture neck of femur and was operated upon on 08.11.2001. He was admitted in the hospital on 23.10.2001 and remained admitted there till 21.11.2001. So, the claimant has remained admitted in the hospital for about one month. So, he might have needed the attendant to take care of him during this period. The learned Tribunal has not awarded any amount of compensation on

account of the attendant charges. So, the claimant shall be entitled to a sum of Rs.5000/- on account of the attendant charges.

5. He has suffered the fracture neck of femur and remained hospitalised for a period of about one month. During this period he also underwent an operation. The learned Tribunal has awarded only a sum of Rs.5000/- on account of pain and sufferings and conveyance charges, which is inadequate. So, the claimant shall be entitled to a sum of Rs.10,000/- on account of pain and sufferings and a further sum of Rs.3000/- as conveyance charges and Rs.4000/- towards special diet in addition to the amount of compensation already awarded by the learned Tribunal. In this manner, the total amount of compensation comes to Rs.38,000/-.

6. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation awarded to the appellant/claimant is enhanced to Rs.38,000/- from Rs.21,000/- awarded by the learned Tribunal. He will be further entitled to interest @ 6% per annum as awarded by learned Tribunal from the date of filing the claim petition till realization. Respondent No.3 Anil Kumar shall be liable for the payment of amount of compensation as held by learned Tribunal.

11.01.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**