

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

FAO No.1422 of 2009

Date of decision : 31.05.2016

Aru

.....Appellant

Versus

Major Singh and another

...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. Ashok Jindal, Advocate for appellant.

Mr. Jatinder Singla, Advocate for respondent No.1.

Ms. Vandana Malhotra, Advocate and
Mr. Vinod Gupta, Advocate
for respondent No.2-Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-claimant against the award dated 15.11.2008, passed by the learned Motor Accidents Claims Tribunal, Bathinda (hereinafter called the 'Tribunal') vide which the appellant-claimant has been awarded a sum of Rs.60,000/- as compensation on account of injuries suffered by him in the motor vehicular accident, which took place on 21.02.2007.

2. The present appeal has been preferred by the appellant-claimant for enhancement of amount of compensation.

3. Learned counsel for the appellant-claimant contended that appellant-claimant was only a child of eight years at the time of the accident. The learned Tribunal has awarded only Rs.60,000/- as compensation for the injuries suffered by him in this accident. He contended that the learned Tribunal has awarded lump sum amount of Rs.11,000/- on account of physical and mental pain and suffering, transportation charges, attendant charges. Thus, he contended that the just compensation has not been awarded.

4. On the other hand, learned counsel for the respondent-Insurance Company contended that the learned Tribunal has taken into consideration all the heads to compute the compensation and the compensation awarded is just and appropriate.

5. I have duly considered the aforesaid contentions.

6. The learned Tribunal has awarded total Rs.11,000/- on account of physical and mental pain and suffering, transportation charges, attendant charges, etc. The amount under all these heads should have been awarded separately. Keeping in view the fact that claimant was only eight years of age at the time of accident, so he was a child of tender age, he will be entitled to a sum of Rs.15,000/- towards pain and suffering. He will be further entitled to a sum of Rs.4000/- towards special diet, Rs.3500/- towards transportation charges and Rs.3500/- towards attendant charges. In this way, the total amount of compensation comes to Rs.75,000/-.

7. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to

appellant-claimant is enhanced to Rs.75,000/- from Rs.60,000/- as awarded by the Tribunal. The appellant-claimant shall also be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

31.05.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**