

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

**C.M. No.23478-CII-2015 in/and
F.A.O. No. 4728-2009
Date of decision : 04.03.2016**

Narender Kumar

..... Appellant

versus

Balbir Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. M.K.Sood, Advocate
for the applicant-appellant.

Mr. Lalit Goswami, Advocate
for respondent No.3-
National Insurance Company Limited.

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

AJAY TEWARI, J. (Oral)

C.M. No.23478-CII of 2015

This application has been filed under Order 41 rule 27 read with Section 151 of C.P.C. for adducing additional evidence by producing the disability certificate dated 09.10.2015 as Ex.P-B.

For the reasons recorded, application is allowed and the document is taken on record.

F.A.O. No.4728-2009

This appeal has been filed by the claimant for the enhancement of compensation and to modify the award dated 01.09.2008 on account of injuries suffered by the appellant in a motor vehicular accident.

Brief facts are that on 16.09.2005 when the appellant-claimant was on his way to his house situated at Panckula on his scooter No.DL-39-M-5376 he met with an accident with Truck bearing No.HR-68A-1735, which was occurred due to rash and negligent driving of the truck. He suffered multiple grievous injuries in the accident. As per the statement of PW-6, Dr.Rohit Nayyar, the appellant-claimant suffered 30% disability and not able to walk properly. He sought claim from the respondent vide award 01.09.2008.

The Tribunal granted compensation of Rs.4,15,000/- i.e. Rs.3,15,000/- on account of medical expenses, transportation, special diet etc. and Rs.10,000/- on account of loss of income. Besides, Rs.90,000/- were awarded on account of pain and sufferings and on account of permanent disability/loss of earning capacity along with interest @ 9% per annum.

Learned counsel for the appellant has argued that the amount of Rs.90,000/- on account of pain and sufferings and on account of permanent disability/loss of earning capacity is highly inadequate and has relied upon the judgment of the Hon'ble Supreme Court in ***Piara Singh v. Satpal Kumar and others***, reported as ***2006(4) R.C.R. (Civil) 546***.

Learned counsel for the appellant has further argued that some more amount has to be awarded towards pain and suffering, special diet and conveyance charges as the amounts awarded by the Tribunal under these heads are highly inadequate.

I find this to be correct. Consequently, I award **Rs.40,000/-** more towards pain and suffering and on account of 30% permanent disability/loss of earning capacity and **Rs.20,000/-** more for attendant charges.

Learned counsel for the appellant has further argued that nothing has been awarded towards loss of amenities of life.

I find this to be correct. Consequently, I award another amount of **Rs.25,000/-** towards loss of amenities of life.

The compensation amount shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization. The management of the compensation amount would be as per the direction of the Tribunal.

The appeal is allowed in the above terms and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

March 04, 2016

Pooja sharma-I