

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

FAO-726-2007 (O&M)
(MACT case No.114 of 2004)
Date of decision: 4.5.2016

Dharamvir

...Appellant

Versus

Naveen @ Deepak and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.RS Mamli, Advocate for the appellant

Mr.Jagtar Singh, Advocate for
Mr.GC Shahpuri, Advocate for respondent No.2

Mr.Ravinder Arora, Advocate for respondent No.3.

SNEH PRASHAR, J.

There was delay of 58 days in filing and 141 days in refiling
the appeal.

No reply has been filed on behalf of the respondents.

For the reasons mentioned in the applications, the delay in
filing as well as in refiling the appeal is condoned and the applications
stand disposed of accordingly.

Main appeal

By way of this appeal, the appellant, who suffered injuries
in a motor accident, has sought enhancement of the compensation
amount awarded by learned Motor Accidents Claims Tribunal, Yamuna

Nagar at Jagadhri (in short 'the Tribunal'), vide award dated 7.4.2006 passed in MACT case No.114 of 2004.

The submissions made by Mr.RS Mamli, Advocate representing the appellant, Mr.Jagtar Singh, Advocate for respondent No.2 and Mr.Ravinder Arora, Advocate for respondent No.3- Insurance Company have been heard and record perused.

Learned counsel for the appellant submitted that due to the accident, the appellant suffered multiple injuries on his face and other parts of the body. His jaw was fractured and he had to undergo surgery. He sustained 10% disability. He remained confined to bed for six months and could not resume his normal work for about one year. Nothing was awarded on account of disfiguration of face and a consolidated amount of Rs.10,000/- was awarded on account of transportation charges, special diet and attendant charges, which is very less.

PW3 Dr.Vandana, Medical Officer, Gaba Hospital, Yamuna Nagar, who treated the appellant, deposed that the appellant was admitted in the hospital on 5.8.2004 having sustained injuries in a road side accident. He suffered multiple lacerated injuries of different size and shapes over face and incised oral cavity, for which he was advised x-ray, PNS and X-ray mandible. X-ray showed fracture mandible symphysis and fracture maxillae. He was operated on 10.8.2004 and was discharged on 21.8.2004. As per the disability certificate Ex.P17, he suffered 10% disability.

The appellant was 29 years of age and was doing work of Carpenter. He suffered multiple facial lacerations. He had to undergo

surgery for jaw, which must have led to facial disfiguration. He has a long life to look forward and the facial disfiguration is likely to make him feel embarrassed at times. To compensate for this non-pecuniary loss a sum of Rs.25,000/ is allowed to him. Learned Tribunal had awarded a sum of Rs.10,000/- for the loss of earnings, which is just and appropriate.

Keeping in view the period of hospitalisation of the appellant, requirement of special diet for recovery of fracture mandible and expenses incurred on transportation etc. the amount awarded under the said heads is enhanced from Rs.10,000/- to Rs.20,000/-. Also a sum of Rs.10,000/- is allowed on account of loss of enjoyment of amenities in life

Accordingly, the enhanced amount of Rs.45,000/- shall be paid to the appellant within two months from the date of the receipt of the certified copy of this judgment, failing which, it shall carry interest at the rate of 7.5% per annum from the date of the filing of the appeal till its realisation.

In the above premises, the present appeal is partly allowed and the impugned award is modified as noticed above.

4.5.2016
gsv

(SNEH PRASHAR)
JUDGE