

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

FAO-2170-2011 (O&M)

Date of decision: 01.02.2016

Karan Singh

...Appellant

Versus

Jagbir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Y. P. Khullar, Advocate,
for the appellant.

Mr. Surender Dagar, Advocate
for respondent Nos.1 and 2.

Ms. Kaavya Jariyal, Advocate for
Mr. T.K. Joshi, Advocate,
for respondent No.3- Insurance Company.

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JITENDRA CHAUHAN, J.

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Palwal, ('the Tribunal', for brevity) vide award dated 13.09.2010.

2. The learned counsel for the appellant contends that the compensation awarded by the learned Tribunal is inadequate in view of the fact that the appellant sustained serious injuries including fracture in his jaw and hand. He remained hospitalized

from 04.05.2007 to 19.05.2007 and from 18.06.2007 to 25.06.2007. As per the disability certificate, Ex.P35, the extent of disability has been assessed as 8% on account of terminal restriction of movement of left elbow and left shoulder.

3. On the other hand, the learned counsel for the Insurance Company contends that just and reasonable compensation has been awarded to the appellant. She further states that vehicle in question jeep was registered as a personal vehicle, whereas it was being used as commercial vehicle.

4. I have heard the learned counsel for the parties and perused the record.

5. The learned counsel for the appellant has failed to bring anything on record contrary to the argument raised by the learned counsel for the Insurance Company. However, keeping in view the fact that accident is admitted and the injuries suffered by the appellant are also not in dispute, this Court feel that another amount of Rs.15,000/- towards 'pain and suffering' deserves to be enhanced.

6. In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.15,000/- (enhancement towards 'pain and suffering')], 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 a certified copy of this judgment, failing which, he shall also be entitled to interest as indicated in the award i.e. 7.5% per annum, from the date of filing the present appeal, till its realization.

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

01.02.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**