

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

**FAO-2909-2011 (O&M)**  
**Date of decision: 04.02.2016**

Aquib

..Appellant

Versus

Abdul Sattar and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. J. S. Rozera, Advocate for the appellant.

Ms. Monika Jangra, Advocate for  
Ms. Vandana Malhotra, Advocate  
for the respondent-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, Gurgaon, ('the Tribunal', for brevity) vide award dated 13.04.2010.

2. It is contended that the appellant suffered serious injuries including fracture of maxilla and also lost five teeth. The appellant remained hospitalized from 03.11.2008 to 17.11.2008 and was again admitted to various hospitals on different dates. Thus, the learned counsel prays for enhancement of the amount of compensation.

3. On the other hand, the learned counsel for the Insurance Company has vehemently opposed the present appeal. She submits that on the contrary compensation already awarded by the learned Tribunal,

is on the higher side.

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

5. In the instant case, there is no disability certificate on record, however, PW1-Dr. Akhlaq Ahmed, Orthopadic Consultant, Gurgaon has stated that the appellant suffered multiple injuries i.e. communited fracture of shaft femur right with fracture of lateral end acromion with injury on face and he was operated upon for right femur in the form of inter locking nail under spinal on 14.11.2008 and was discharged from the hospital on 17.11.2008. He incurred expenses to the extent of Rs.22,000/- as indoor patient. The factum of injury is also proved from the statement of Dr. Renu Saroha, Medical Officer, General Hospital, Gurgaon, who tendered her affidavit with regard to MLR carried upon the appellant- injured. It has come in the testimony of PW8-Dr. Promil Aggarwal that the appellant remained admitted in his hospital with history of road traffic accident. He has further stated that five teeth were missing on account of the accident and suffered fracture of maxilla for which IMF procedure was done. Therefore, there is sufficient evidence on record to presume that the appellant shall carry the scar of accident throughout his life and even his matrimonial prospects have been adversely affected due to the injuries. The learned Tribunal has awarded Rs.20,000/- for pain and suffering, mental agony and transportation. Therefore, this Court feel that in view of the number, nature and seat of injuries, the amount awarded towards these heads is grossly inadequate. Accordingly, the same is enhanced from

Rs.20,000/- to Rs.75,000/-. Furthermore, nothing has been allowed towards post operation treatment, attendant, loss of academic year and marriage prospects. Accordingly, another amounts of Rs.1,00,000/- for loss of marriage prospects; Rs.10,000/- for special diet & attendant and Rs.15000/- for loss of academic year are awarded to the appellant.

6. In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.1,80,000/- [Rs.55,000/- (enhancement towards pain and suffering) + Rs.1,00,000/- (towards loss of marriage prospects) + Rs.10,000/- (towards the head special diet & attendant) + Rs.15,000/- (towards the loss of education)], 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 @ 7.5% p.a., 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.

**04.02.2016**

ashok

**( JITENDRA CHAUHAN )  
JUDGE**