

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

FAO No.4894 of 2011 (O&M)

Date of decision: 09.05.2016

Sumer Singh

...Appellant

Versus

Anil @ Sonu and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Man Mohan, Advocate for
for the appellant (s).

Mr. Lakshay Bajaj, Advocate for
Mr. Harkesh Manuja, Advocate
for respondent Nos.1 and 2.

Ms. Vandana Malhotra, Advocate
for respondent No.3.

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JITENDRA CHAUHAN, J.

CM No.1019-CII of 2015

CM is allowed and disability certificate (Annexure A-1) is
taken on record, subject to all just exceptions.

Main Case

The present appeal has been filed by the injured-claimant,
seeking enhancement of the amount of compensation awarded by
learned Motor Accidents Claims Tribunal, Sonapat, ('the Tribunal', for
brevity) vide award dated 15.02.2011.

It is contended that the appellant has suffered 15%
disability and post traumatic deformity in left knee & left ankle. The

appellant was shifted to Civil Hospital, Sonapat and from where he was referred to Delhi and again brought back to his village, from where he was again taken to Jaipur Golden Hospital, Delhi. Therefore, the compensation awarded by the learned Tribunal is liable to be enhanced.

On the other hand, the learned counsel for the respondents fairly admit the injuries suffered by the appellant and the disability to the extent of 15%.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

Though, the Medical Board has opined that disability suffered, is likely to improve, however, the same is subject to multiple factors and there is no certain opinion qua the same, therefore, this Court is inclined to take the liberal view in this matter. Accordingly, considering the disability to the extent of 15%, ₹30,000/- towards the disability is awarded, in view of the judgment passed in ***K. Gowthami (minor) through maternal grandmother and another VS. New India Assurance Co. Ltd and another***, Civil Appeal Nos.5846-5851 of 2013, decided on 15.07.2013.

It is next contended that the amount towards transportation and attendant charges i.e. ₹5000/- is also on the lower side. It is admitted position that the appellant was treated at Civil Hospital, Sonapat and from where he was shifted to Delhi and again brought back to his native place, from where he again taken to Jaipur Golden Hospital, Delhi.

Considering the receipt of injuries i.e. on left leg; the fact

that the appellant was repeatedly removed from one hospital to other and that he must have undertaken similar visits during the post operation also, this Court feels that another enhancement of ₹10,000/- towards transportation and attendant charges would meet the ends of justice.

In view of the above, the appellant is held entitled to the enhanced compensation of ₹40,000/- [(₹30,000/- (towards the disability) + ₹10,000/- (enhancement towards the transportation and attendant charges)], 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% per annum, from the date of filing the present appeal, till its realization.

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

09.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**