

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

FAO-7216 of 2011(O&M)

Date of decision :17.08.2016

Vikash

.....Petitioner

Versus

Dharmender and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Naresh Kumar Yadav, Advocate for
Mr. R.D.Yadav, Advocate
for the appellant.

None for respondents No.1 and 2.

Mr. Lalit Garg, Advocate
for respondent No.3.The New India Assurance Company Ltd.

DARSHAN SINGH, J.

1. The present appeal has been preferred against the award dated 17.03.2011, passed by the Motor Accidents Claims Tribunal (for brevity 'MACT'), Rewari, vide which appellant-claimant Vikash has been awarded compensation to the tune of ₹83,965/- (Eighty Three thousand nine hundred sixty five only) on account of the injuries suffered by him in motor vehicular accident, which took place on 19.02.2006.

2. The present appeal has been preferred for enhancement of amount of compensation.

3. Learned counsel for the appellant contended that the appellant has suffered permanent disability as a result of injuries received in this accident. He further contended that as per statement of PW3-Dr. Chetan Sharma, Dental Surgeon, GH Kosli, the claimant had restricted mouth opening-permanent disability, but the learned Tribunal has not awarded any

compensation on account of loss of amenities and enjoyment of life. Thus, he contended that the learned tribunal has not awarded the just compensation.

4. On the other hand, learned counsel for respondent No.3- Insurance Company contended that the learned Tribunal has assessed the appropriate compensation under all the relevant heads. So, the impugned award does not call for any interference.

5. I have duly considered the contentions made by counsel for the parties and have gone through the record carefully.

6. The impugned award shows that the learned Tribunal has awarded a sum of ₹8,965/- towards medical and treatment charges, ₹50,000/- towards permanent disability, ₹15,000/- towards costs of transportation, Special diet, Attendant and loss of income etc. and ₹10,000/- towards pain and suffering. A total sum of ₹83,965/- has been awarded to the appellant-claimant as compensation on account of injuries suffered by him. The learned Tribunal has not awarded any compensation to the appellant on account of loss of amenities and enjoyment of life.

7. PW3-Dr. Chetan Sharma, Dental Surgeon, GH Kosli, has stated that the claimant has suffered bilateral sub condylar fracture right side, complex and displaced fracture and due to this injury ortho fixation and bone planting were done and appellant had restricted mouth opening.

8. Thus, the amenities and enjoyment of life of the claimant will certainly be adversely affected due to aforesaid injuries and restricted mouth opening. So, the claimant shall be entitled to ₹35,000/- as compensation towards loss of amenities and enjoyment of life in addition to amount of compensation already awarded by the learned Tribunal. So the total amount

of compensation payable to the claimant comes to ₹1,18,965/-.

9. Thus, keeping in view the aforesaid discussion, the present appeal is hereby partly allowed. Amount of compensation payable to the claimant i.e. ₹83,965/- is enhanced to ₹1,18,965/-. The claimant shall also be entitled to interest at the rate determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realization. Liability to pay the compensation shall remain as per the impugned award.

(DARSHAN SINGH)
JUDGE

17.08.2016
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No