

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

FAO-3287-2012 (O&M)

Date of decision: 19.02.2016

Hitender

...Appellant

Versus

Karam Singh @ Karamveer Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Pankaj Mehta, Advocate,
for the appellant.

Ms. Sheenu Sura, Advocate,
for respondent No.3.

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JITENDRA CHAUHAN, J.

CM No.14311-CII of 2012

For the reasons contained in the application, same is allowed and delay of 147 days in filing the present appeal is condoned.

Main Case

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, Hisar, ('the Tribunal', for brevity) vide award dated 01.06.2011.

The learned counsel for the appellant states that the compensation on account of pain and suffering, hospitalisation, special diet and under all other heads to the extent of Rs.12,000/-, is inadequate. He further submits that it is proved on record that the appellant is a fruit vendor, having a Diploma in Carpentry and had to remain bed ridden for more than 6 months, but no compensation has been awarded towards loss of earning.

On the other hand, the learned counsel for respondent No.3-Insurance Company, contends that just and reasonable compensation has been awarded to the appellant and opposes any further enhancement therein.

I have heard learned counsel for the parties and perused the case file.

It is not in dispute that the appellant was a vegetable seller, who remained bed ridden for about 6 months due to the accident. The factum of accident is also not in dispute. It is evident from the perusal of the case file that no amount has been awarded by the learned Tribunal towards loss of earning, therefore, this Court feels that another amount of Rs.30,000/- under this head deserves to be allowed. Furthermore, keeping in view the fact that nothing has been awarded towards attendant & transportation charges and the inadequate amount has been awarded against pain

and suffering, hospitalisation, special diet and the fact that the appellant had to undergo surgery, this Court feels that ends of justice would be sufficiently met in case, another amount of Rs.30,000/- is allowed under this head.

In view of the above, the claimant-appellant is held entitled to enhanced amount of compensation of Rs.60,000/-, 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.

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

19.02.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**