

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

FAO-868-2011

Date of decision: 20.01.2016

Dharam Singh

...Appellant

Versus

Sukhwinder and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Mansi Bansal, Advocate,
for Mr. Sunil Kumar Sharma, Advocate,
for the appellant.

Ms. Shallie Mahajan, Advocate,
for the 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, Hoshiarpur, ('the Tribunal', for brevity) vide award dated 27.09.2010.

2. The learned counsel for the appellant contends that in view of the fact that the appellant sustained serious injuries including compound fracture of leg, the compensation awarded by

the learned Tribunal is inadequate. He remained hospitalized from 24.10.2007 to 20.11.2007. He suffered permanent disability to the extent of 40%.

3. On the other hand, the learned counsel for the Insurance Company contends that just and reasonable compensation has been awarded to the appellant.

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

5. In the instant case, the appellant suffered fracture of leg and remained hospitalized from 24.10.2007 to 20.11.2007. As per the disability certificate, Ex.C-40, the appellant has suffered disability to the extent of 40%. However, the learned Tribunal has not awarded any compensation towards disability. Accordingly, following principle laid down by this Court in ***Ram Kiran Goyal Vs. Sub Divisional Engineer, Mechanical, 2008(2) R.C.R. (Civil) 103***, i.e. Rs.2,000/- for every one per cent of disability, an amount of Rs.80,000/- is awarded to the appellant under the head of 'disability'. Furthermore, the amount of Rs.5,000/-, granted under the head 'pain and suffering' is enhanced to Rs.25,000/-, whereas, the transportation charges are enhanced from Rs.4,400/- to Rs.9,400/-. Keeping in view the period of hospitalization, this Court feels that the amount of Rs.2,000/-, awarded under the head 'attendant charges' is inadequate and the same is enhanced by

another Rs.15,000/-. The amount of Rs.3,000/-, awarded towards Special diet is enhanced to Rs.5,000/-, whereas, the amount of Rs.30,000/-, awarded for loss of income on account of disability is increased to Rs.40,000/-.

6. In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.1,32,000/- [Rs.80,000/- (towards disability) + Rs.20,000/- (enhancement towards 'pain and suffering') + Rs.5,000/- (enhancement towards transportation charges) + Rs.15,000/- (enhancement towards attendant charges) + Rs.2,000/- (enhancement towards special diet) + Rs.10,000/- (enhancement towards loss of income)], 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.

20.01.2016
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(JITENDRA CHAUHAN)
JUDGE