

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

**FAO-3649-2012 (O&M) in
MACT Case No.113 of 2011**

Date of decision: 05.05.2016

Naresh Kumar

...Appellant

Versus

Shiv Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K. S. Dhanora, Advocate
for the appellant.

None for the respondents.

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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 learned Motor Accidents Claims Tribunal, Kurukshetra, ('the Tribunal', for brevity) vide award dated 03.03.2012.

The learned counsel for the appellant contends that the appellant was 28 year old at the time of accident and remained

admitted as indoor patient from 20.04.2011 to 03.05.2011. The appellant suffered disability to the extent of 10% and sustained a fracture of right femur bone.

I have heard the learned counsel for the appellant and perused the record.

As per the record, the appellant aged 28 years at the time of accident, suffered disability to the extent of 10% in the accident in question. The amount towards disability and loss of future income and amenities of life has been assessed at Rs.20,000/- by the learned Tribunal, which in view of the age and avocation of the appellant is inadequate. Therefore, another Rs.25,000/- under this head would sufficiently meet the ends of justice.

Further, keeping in view the age, nature of injury and period of hospitalization, this Court feels that another increase of Rs.15,000/- towards pain and suffering would meet the ends of justice.

In view of the above, the injured-appellant is held entitled to the enhanced compensation of Rs.40,000/- [Rs.25,000/- (enhancement towards disability and loss of future income and amenities) + Rs.15,000/- (enhancement towards pain and

suffering)], 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.

05.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**