

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

**FAO No.4116 of 2012
Date of decision : 23.02.2016**

Ajay Sindhu

.....Appellant

Versus

Vikram and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. A.S. Gulati, Advocate for
Mr. A.S. Sullar, Advocate for appellant.

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

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 04.11.2011 passed by learned Motor Accidents Claims Tribunal, Panipat (hereinafter called the Tribunal), vide which appellant-claimant Ajay Sindhu has been awarded a sum of Rs.2,31,050/- as compensation on account of the injuries suffered by him in the motor vehicle accident which took place on 18.03.2009.

2. The present appeal has been preferred by the appellant-

claimant for enhancement of the amount of compensation.

3. Learned counsel for the appellant contended that less amount has been awarded on account of special diet, transportation and attendant expenses. The claimant has suffered serious injuries. He remained admitted in the hospital for a long time. He also underwent operation. He spent lot of money on the attendant. He needed the special protein diet and he also have to use the transport for follow up treatment from PGI MS Rohtak.

4. On the other hand, learned counsel for the respondent-Insurance Company contended that the compensation awarded by the learned Tribunal is just and appropriate.

5. I have duly considered the aforesaid contentions.

6. The claimant has suffered serious injuries including compound comminuted fracture lower end of right femur and fracture mid shift of right humerus, in addition to the other injuries. He remained admitted in Prabhakar Hospital, Panipat from 18.3.2009 to 4.4.2009. Thereafter, he remained admitted in PGI MS Rohtak with effect from 10.12.2009 to 17.12.2009 and again on 20.09.2010 to 19.10.2010. He also underwent operation. Thus, due to the nature of the injuries suffered by the appellant-claimant, he must have to spend lot of money on the attendant. He must have needed the special protein diet and he also have to use the transport for follow up treatment from PGI MS Rohtak. Thus, the amount of compensation towards transportation, attendant charges and special diet is enhanced from Rs.20,000/- to Rs.30,000/-. In this way, the amount of compensation awarded to the claimant-appellant is

enhanced by Rs.10,000/-, raising the total amount of award to Rs.2,31,050/- to Rs.2,41,050/-.

7. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to Rs.2,41,050/- from Rs.2,31,050/- as awarded by the learned Tribunal. The claimant shall be entitled to interest on the enhanced amount from the date of filing the petition till realization @ 7.5% per annum, the rate of interest as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

23.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**