

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

FAO-4673-2012 (O&M)

Date of decision: 22.04.2016

Deepak

...Appellant

Versus

Dharampal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashwani Gaur, Advocate,
for the appellant.

None for the respondents.

-. -

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, Fast Track Court, Sonipat, ('the Tribunal', for brevity) vide award dated 09.05.2012.

It is contended that learned Tribunal has erred in not awarding just and adequate compensation, commensurate to the injuries suffered, the mental agony i.e. pain and suffering and for loss of studies. The appellant suffered multiple injuries including lacerated wound on the parietal region, another is multiple lacerated wound, present over the foot. The appellant remained hospitalised for 26 days.

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

The appellant, who was a student of 10+2, remained hospitalised for 26 days. Though, there is no evidence with regard to loss of year, however, due to the hospitalisation his performance in the examination must have suffered, therefore, this Court feels that a compensation of ₹15,000/- under this head shall meet the ends of justice.

Though there is no disability certificate but the injuries including blunt trauma in abdomen, lacerated wound on the parietal region and over the foot have been duly proved. Therefore, this Court feels that another amount of ₹15,000/- deserved to be paid to the appellant.

In view of the above, the injured-appellant is held entitled to the enhanced compensation of ₹30,000/- [(₹15,000/- (towards loss of studies) + ₹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.

22.04.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**