

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

FAO-5013-2012 (O&M)
Date of decision: 03.05.2016

Yoginder

..Appellant

Versus

Sahabuddin and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Bansal, Advocate for the appellant.

Mr. D. K. Dogra, Advocate for respondent No3.

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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, Panipat, ('the Tribunal', for brevity) vide award dated 01.06.2012.

The learned counsel for the appellant states that the appellant suffered multiple grievous injuries including four fractures. Lastly, the learned counsel submits that the appellant sustained disability to the extent of 60%.

On the other hand, the learned counsel for respondent No.3 states that a just and reasonable compensation has been awarded by the learned Tribunal.

I have heard the learned counsel for the parties and perused

the entire record.

As per disability certificate, Ex.PW3/A, the claimant prior to the accident had been suffering 40% disability on account of Polio and due to the accident he further suffered 20% disability. Keeping in view the nature of injury and the pain and suffering due to the accident, this Court feels that another sum of Rs.10,000/-, for 'pain and suffering' and Rs.5,000/- towards 'attendant charges' will meet the ends of justice.

In view of the above, the injured-appellant is held entitled to the enhanced compensation of Rs.15,000/- [Rs.10,000/- (enhancement towards 'pain and suffering') + Rs.5,000/- (towards attendant charges)] payable to the injured-appellant, 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.

03.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**