

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

**FAO No.5630 of 2012
Date of decision : 04.02.2016**

Ajay Kumar

.....Appellant

Versus

Vinod Kumar 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. Sandeep Vermani, Advocate for appellant.

Ms. Shamsher Kaur, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 17.05.2012 passed by learned Motor Accidents Claims Tribunal, Panchkula (hereinafter called the Tribunal) vide which the compensation has been awarded to the tune of Rs.3,60,675/- on account of the injuries suffered by appellant-claimant in the motor vehicular accident, which took place on 09.07.2010.

2. Learned counsel for the appellant-claimant contended that the learned Tribunal has awarded only Rs.3000/- towards pain and

sufferings. Even though the claimant has suffered serious injuries including the multiple fractures, only Rs.2000/- has been awarded towards transportation, Rs.2000/- towards special diet and no amount has been awarded towards attendant charges. Thus, he contended that the compensation computed by the learned Tribunal is not just and appropriate.

3. On the other hand learned counsel for the respondent Insurance Company contended that the learned Tribunal has awarded the compensation under all the heads, which is just and appropriate and no interference of this Court is called for.

4. I have duly considered the aforesaid contentions.

5. From the medical evidence available on record i.e. the statement of PW3 Dr. Umesh Modi, it comes out that the claimant has suffered fracture in both legs. He also suffered 30% permanent disability. He remained hospitalised in PGI, Chandigarh from 09.07.2010 to 10.07.2010 and then 22.01.2011 to 25.01.2011. Thus, the claimant has suffered lot of pain and sufferings on account of the injuries suffered by him. So, the compensation on account of pain and sufferings is enhanced to Rs.25,000/-.

6. The learned Tribunal has awarded very meager amount towards transportation charges, special diet and no amount has been awarded towards attendant charges. The said amount also requires to be enhanced. The claimants shall be entitled to a sum of Rs.5000/- towards transportation charges and Rs.5000/- towards special diet. He will also be entitled to Rs.4000/- towards attendant charges. Thus, there will be over

all increase of Rs.39,000/- over and above the amount of compensation awarded by the learned Tribunal. In this way the total amount of compensation comes to Rs.3,99,675/- (360675+39000).

7. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced by Rs.39,000/- raising the total amount of compensation/award to Rs.3,99,675/- instead of Rs.3,60,675/- 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.

04.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**