

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

FAO-1135-2013

Date of Decision: 11.01.2016

Dharambir

...Appellant

Versus

Sanjay and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the appellant.

Mr. Sajan Singh Malik, Advocate
for respondents No.1 & 2.

Mr. Naveen Chopra, Advocate for respondent No.3

JITENDRA CHAUHAN, J. (Oral)

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Jind, ('the Tribunal', for brevity) vide award dated 12.03.2012.

2. None causes representation on behalf of the appellant.

It has been averred in the petition that the appellant bed ridden for more than three months, however, no compensation under the head of loss of income has been awarded. Otherwise also, the compensation awarded is inadequate in view of the nature of

injuries suffered by the appellant.

3. On the other hand, the learned counsel for the respondent-Insurance Company, contends that just and reasonable compensation has been awarded to the appellant.

4. I have heard the learned counsel for the parties and perused the record.

5. In the instant case, the injured-appellant, was 42 years of age at the time of the accident. He received multiple grievous and serious injuries on the various parts of his body including fractures. He remained hospitalized from 05.08.2010 to 23.08.2010 due to the injuries suffered in the accident. The learned Tribunal has awarded Rs.5,000/- towards pain and suffering, which is inadequate. Keeping in view the nature of injuries, this Court feels that the ends of justice would be adequately met in case, the amount under this head is enhanced from Rs.5000/- to Rs.15,000/-. It is ordered accordingly. It is further noticed that Rs. 5000/- has been awarded under the head of special diet which appear to be inadequate. Accordingly, another amount of Rs.5,000/- (i.e. Total Rs. 5000+Rs.5000= Rs. 10,000/-) is awarded under all the above heads. The compensation awarded under all other heads seems just and reasonable.

6. In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.15,000/-, 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 @ 7.5% p.a., from the date of filing the present appeal, till its realization.

7. With the aforesaid modification in the impugned award, the present appeal is partly allowed.

11.01.2016

sumit.k

**(JITENDRA CHAUHAN)
JUDGE**