

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

**FAO-10546-2014 (O&M)
Date of decision: 30.05.2016**

Bahadur Singh

...Appellant

Versus

Amit Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vishal Nehra, Advocate,
for the appellant.

Mr. Neeraj Khanna, Advocate,
for respondent No.3-Insurance Company.

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JITENDRA CHAUHAN, J.

CM-29085-CII-2014

Despite sufficient opportunity, no reply has been filed in the application for condonation of delay.

For the reasons mentioned in the CM application, which is accompanied by a sworn affidavit of the appellant, the same is allowed and the delay of 101 days in filing the instant appeal is condoned.

Main case

The present appeal has been filed by the claimant-appellant, seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Ambala, ('the Tribunal', for brevity), vide impugned Award dated 21.05.2014.

Learned counsel for the appellant contends that the appellant suffered multiple and serious injuries on his person. After the accident, he was removed to S.L.R. Hospital, Village Gadouli, Distt. Yamuna Nagar, wherefrom, he was referred to the PGIMER, Chandigarh, where surgery was conducted and his left leg was amputated. Thereafter, he was shifted to Command Hospital, Chandimandir, Panchkula, where he remained admitted till 29.05.2013. Therefore, learned counsel contends that the amount of compensation awarded under the different heads is highly inadequate and deserves to be enhanced.

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

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

In the present case, injured-appellant suffered multiple injuries on his neck, mouth, head and left leg. He was operated upon and his left leg was amputated. He remained hospitalized for about a month. Learned Tribunal has awarded an amount of ₹40,000/- towards medical treatment, hospitalization and medicines, which keeping in view the period of hospitalization, is inadequate, and is accordingly, enhanced by another amount of ₹15,000/-. Furthermore, another amount of ₹75,000/- is awarded under the head of pain and suffering, discomfort and trauma, keeping in view the fact that the appellant had to suffer amputation of his limb. The amount of compensation under the other heads is just and reasonable.

In view of the above, the claimant-appellant is held entitled to

enhanced compensation of ₹90,000/-, over and above the amount already awarded by 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, the appellant shall also be entitled to the interest @ 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.

30.05.2016

Sumit/atulsethi

**(JITENDRA CHAUHAN)
JUDGE**