

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

**FAO No. 10629 of 2014
Date of decision:03.03.2016**

Naresh Kumar

...Appellant(s)

Versus

Sunil and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Swati, Advocate,
for Mr. S.S. Khurana, Advocate,
for the appellant(s).

Mr. H.S. Dhandi, Advocate,
for respondent No. 2.

Mr. M.B. Jain, Advocate,
with Mr. Punit Jain, Advocate,
for respondent No. 3.

JITENDRA CHAUHAN, J.

This appeal has been filed by the claimant-injured against the award dated 06.10.2014 passed by Motor Accident Claims Tribunal, Rewari (for short “the Tribunal”) vide which a compensation of Rs. 95,250/- was allowed to the appellant on account of injuries.

In brief, the appellant was travelling in three-wheeler bearing No. HR14-6759. When the three-wheeler was near village

Khori, the offending vehicle bearing registration No. HR55H-5851 being driven by the driver in a rash and negligent manner and at a high speed reached there from Tauru side and struck against the three-wheeler, as a result of which, the three wheeler turned turtle on the road and the appellant sustained multiple grievous injuries on his body. FIR No. 433 was registered on 19.12.2011, under Sections 279/337 IPC against the driver of the offending vehicle. The appellant-claimant filed claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation to the tune of Rs. 10 lacs alongwith interest @ 24% per annum. It was pleaded by the claimant that he was working as Design Engineer in Perfect Radiators and Oil Coolers Pvt. Ltd and was earning Rs. 21,638/- per month as salary. After the accident, he was taken to Gopi Nath Hospital Bhiwadi and from there he was referred to Yadav Ortho Hospital, Rewari where he remained admitted from 19.12.2011 to 25.12.2011. An amount of Rs. 2 lacs was spent on his treatment.

The learned Tribunal awarded a sum of Rs. 18,000/- on account of disability. A sum of Rs. 5,000/- was awarded for pain and suffering. Another sum of Rs. 36,500/- was awarded on account of medical expenses. A sum of Rs. 5,000/- were awarded on account of special diet and attendant charges. A sum of Rs. 2,000/- on account of transportation and Rs. 28,750/- on account of loss of earnings was awarded.

This Court is of the opinion that the amount of compensation has been rightly awarded. However, the medical bills of the claimant-injured, Ex. PW2/D and Ex. PW4/A were proved on record by PW4, Dr. Ramesh Yadav, Yadav Ortho Hospital, Rewari and an amount of Rs. 36,500/- was granted for the same. Furthermore, an amount of Rs. 18,000/- was also rightly awarded for the disability suffered by him. So far as the amount of compensation under the heads of special diet, attendant charges, pain and sufferings, requires to be enhanced. Therefore, another sum of Rs. 5,000/- is awarded towards special diet and attendant charges and a sum of Rs. 10,000/- is awarded towards pain and sufferings.

In view of the above, the claimant is held entitled to the enhanced compensation of Rs. 15,000/- [Rs. 5,000/- (towards special diet and attendant charges) + Rs. 10,000/- (towards pain and sufferings), 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 shall be also entitled to interest @ 7.5%, from the date of filing the present appeal, till its realization.

03.03.2016*sumit***(JITENDRA CHAUHAN)
JUDGE**