

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

**CM No.18530-CII of 2016 in/and
FAO No.119 of 2014 (O&M)**

Date of decision : 23.12.2016

Kamal Yadav

.....Appellant

Versus

Bhagwant Parshad & others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Rahul Rampal, Advocate for applicant-appellant.

Mr. R. N. Singal, Advocate for respondent-Insurance Company.

DARSHAN SINGH, J.

CM-18530-CII-2016

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the main appeal is restored at its original number and the same is taken up today for hearing.

Main Appeal

The present appeal has been preferred against the award dated 26.07.2013, passed by the learned Motor Accidents Claims Tribunal, Ludhiana (hereinafter called the “Tribunal”), in a petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short the “Act”), whereby

the appellant-claimant has been awarded compensation to the tune of ₹61,747/- on account of injuries sustained by him in the motor vehicular accident which took place on 13.08.2011.

2. The present appeal has been preferred by the appellant-claimant for enhancement of the amount of compensation.

3. I have heard learned counsel for the parties and have gone through the paper-book carefully.

4. Initiating the arguments, learned counsel for the appellant-claimant contended that learned Tribunal has awarded less amount towards medical and treatment charges. The bill Ex.C7 of Ghatti Nursing Home, Ludhiana for a sum of ₹37,300/- was not taken into consideration. Thus, he contended that the amount on account of medical and treatment expenses has been awarded less.

5. On the other hand, learned counsel for the respondent-Insurance Company contended that learned Tribunal has awarded the just amount of compensation under all the heads and no further enhancement of any kind is called for.

6. I have duly considered the aforesaid contentions.

7. The learned Tribunal in para No.20 of the award has taken into consideration Ex.C2 to Ex.C4, C6 and C8 to Ex.C15 and has awarded a total sum of ₹21,747/- for medical and treatment charges.

8. The appellant-claimant has also produced the bill Ex.C7 for a sum of ₹37,300/- issued by Ghatti Nursing Home, Ludhiana. The said bill has been tender in evidence by claimant when he stepped into the witness

box on 12.04.2012 as CW-1. It appears that due to some oversight, the said bill has not been added towards the medical and treatment charges. So, a sum of ₹37,300/- spent by the claimant for his treatment at Ghatti Nursing Home vide bill Ex.C7 are required to be added. In this way, the total amount for the medical and treatment charges comes to ₹59,047 and resultantly, the total amount of compensation will come to ₹99,047/-.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The total amount of compensation payable to appellant-claimant is enhanced to ₹99,047/- from ₹61,747/- as awarded by the Tribunal. The appellant-claimant shall be entitled to interest on the enhanced amount of compensation from the date of filing the claim petition till realisation at the rate of 6% per annum. The liability to pay the enhanced amount of compensation shall remain same as determined by the learned Tribunal in the main award.

23.12.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No