

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

FAO-1986-2015 (O&M)

Date of decision: 03.06.2016

Garja Ram

...Appellant

Versus

Randeep Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. I. S. Cooner, Advocate
for the appellant.

Mr. Ankur Gupta, Advocate
for respondent No.2.

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JITENDRA CHAUHAN, J.

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Ambala, ('the Tribunal', for brevity) vide award dated 02.12.2014.

The learned counsel for the appellant contends that the appellant remained hospitalized for 47 days and suffered multiple grievous injuries. He further states that the appellant has sustained the disability to the extent of 30%. Therefore, the compensation awarded by

learned Tribunal is highly inadequate.

On the other hand, learned counsel for respondent No.2 stated that a just and reasonable compensation has been awarded to the appellant and prayed for dismissal of the present appeal.

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

In the instant case, learned Tribunal has awarded ₹10,000/- as compensation towards 'pain and suffering', which this Court feels is inadequate. Accordingly, the compensation under the head 'pain and suffering' is enhanced from ₹10,000/- to ₹20,000/-.

Keeping in view the nature and seat of injuries, it can safely be inferred that the appellant must have remained immobile for at least six months. Therefore, another amount of ₹25,000/-, is awarded to the appellant towards loss of earnings.

In view of the above, the claimant-appellant is held entitled to the enhanced compensation of ₹35,000/- [₹25,000/- (enhancement towards loss of earnings) + ₹10,000/- (enhancement towards pain and suffering)], 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 as indicated in the award i.e. 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.

03.06.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**