

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

FAO-2200-2015 (O&M)

Date of decision: 03.06.2016

Maya 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 from 23.07.2010 to 10.08.2010 and suffered multiple grievous injuries. He further states that the appellant has sustained the disability to the extent of 5%. Nothing has been

awarded towards special diet, transportation and attendant charges. 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/-.

Further, it is admitted position that the appellant was admitted for the period i.e. 23.07.2010 to 10.08.2010 in Kohli Hospital, Jagadhri. In such circumstances, the appellant must have undertaken similar visits during the post treatment period also, therefore, the appellant is also entitled for amount of ₹15,000/- towards special diet, attendant charges and transportation.

In view of the above, the claimant-appellant is held entitled to the enhanced compensation of ₹25,000/- [₹10,000/- (enhancement towards pain and suffering) + ₹15,000/- (towards special diet, attendant charges and transportation)], 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**