

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

**FAO No.4910 of 2013
Date of decision : 16.02.2016**

Mohinder Singh

.....Appellant

Versus

Jatinder Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Gurinderjit Singh, Advocate for appellant.

Respondent No.1 proceeded against *ex parte*.

Mr. Manoj Dhankar, AAG, for respondent No.2.

Mr. Binat Sharma, Advocate for
Mr. Amrinder Singh, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

CM-20893-CII-2013

There is delay of 118 days in filing the present appeal. The appellants have filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed.

FAO No.4910 of 2013

The present appeal has been preferred against the award dated 04.01.2013 passed by the learned Motor Accidents Claims Tribunal, S.A.S. Nagar (Mohali) (hereinafter called the Tribunal), vide which a sum of Rs.83,000/- has been awarded on account of the injuries suffered by the appellant-claimant in the motor vehicular accident which took place on 12.07.2007.

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

3. Learned counsel for the appellant contended that the learned Tribunal has awarded very less amount towards loss of income, pain and suffering and other heads. The claimant has suffered fracture both bone right leg. The discharge and follow up card shows that he was advised to walk with the help of walker. It shows that claimant has suffered the serious injury in the accident. He suffered fracture of both bones and had even to take the help of walker to walk. Learned counsel for the appellant contended that even still the appellant is not able to walk properly. The learned Tribunal has awarded only Rs.40,000/- towards transportation, nourishing food, pain & suffering and future treatment.

4. On the other hand, learned counsel for the respondent-Insurance Company contended that the compensation awarded by the learned Tribunal under all the heads is just and appropriate.

5. I have duly considered the aforesaid contentions.

6. In my opinion amount of Rs.40,000/- is not just and appropriate under all the heads mentioned above. So, the amount of compensation under these heads is enhanced to Rs.56,000/-. The learned Tribunal has awarded the loss of income to the claimant only for one month. It is a fact of common knowledge that in case of fracture of both bones of the leg, a person is not able to carry on his profession at least for two months. So, the compensation towards loss of income is also enhanced from Rs.4000/- to Rs.8000/-. So, the compensation to the tune of Rs.20,000/- is increased making the total amount of compensation to Rs.1,03,000/- (39,000 + 56,000 + 8000).

7. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to Rs.1,03,000/- from Rs.83,000/- as awarded by the learned Tribunal. The claimant shall be entitled to interest on the enhanced amount from the date of filing the petition till realization @ 6% per annum, the rate of interest as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

16.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**