

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

**FAO No.5193 of 2013
Date of decision :14.01.2016**

Chander Bhan

.....Appellant

Versus

Jai 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. Pankaj Mehta, Advocate for appellant.

Mr. Charanji Lal, Advocate for
Mr. Robin Lohan, Advocate for respondents No.1 & 2.

Mr. Sukhdarshan Singh, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-claimant Chander Bhan against the award dated 30.04.2013 passed by learned Motor Accidents Claims Tribunal, Hisar (hereinafter called the 'Tribunal') vide which a sum of Rs.98,000/- has been awarded as compensation on account of the injuries suffered by him in the motor vehicular accident which took place on 27.12.2011.

2. The present appeal has only been filed on the ground of quantum of compensation.

3. Learned counsel for the claimant contended that very meagre amount was awarded towards special diet and pain and suffering. No amount was granted towards the loss of income. Thus, he contended that the amount of compensation computed by the learned Tribunal is inadequate.

4. Learned counsel for the respondents contended that the amount of compensation awarded by the learned Tribunal is just and appropriate.

5. I have duly considered the aforesaid contentions.

6. The perusal of the impugned award shows that the claimant has been awarded Rs.2000/- towards special diet and Rs.5000/- towards pain and suffering. No amount of compensation has been awarded for loss of income. The medical evidence shows that the claimant has suffered fracture mandible with mild head injury. He remained hospitalized w.e.f. 27.12.2011 to 06.01.2012. Thus, the claimant has suffered fracture mandible with mild head injury and remained hospitalized for a period of about 10 days. So, the amount on account of pain and suffering is enhanced by Rs.7500/- making it total sum of Rs.12,500/-. As the claimant has suffered the fracture mandible with mild head injury so certainly he might have required the rich protein diet. So, the compensation on account of special diet is further increased by Rs.3000/- making it a total sum of Rs.5000/-. The Tribunal has not awarded any compensation to the claimant on account of loss of income during the period he remained unwell to carry on his profession. The learned Tribunal has assessed the income of the petitioner as Rs.5300/-

per month. In my opinion he must have not been able to perform his duties for a period of two months. So, he will be entitled to a sum of Rs.11,600/- towards loss of income.

7. Thus, keeping in view my aforesaid discussion, the present appeal is partly allowed. The amount of award to the claimant is enhanced by Rs.22,100/- making the total Rs.1,20,100/-. The claimant shall be entitled to interest on the enhanced amount from the date of filing the petition till realization @ 7.5% 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.

14.01.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**