

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

(1)

FAO-5871-2013

Date of Decision: 07.01.2016

Chandi

...Appellant

Versus

Suresh and others

...Respondents

(2)

FAO-6446-2013

Ishwar

...Appellant

Versus

Suresh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Narender Kaajla, Advocate for the appellant.

Mr. D.S. Adlakha, Advocate for
Mr. Pankaj Mehta, Advocate,
for respondent No.2.

Mr. Lalit Garg, Advocate for respondent No.3

JITENDRA CHAUHAN, J. (Oral)

CM-24311-CII-2013 in FAO No. 5871 of 2013

No reply has been filed to the application.

Keeping in view the averments made in the application, the same is allowed. The delay of 108 days in filing the present appeal is hereby condoned.

CM-25995-CII-2013 in FAO No. 6446 of 2013

No reply has been filed to the application.

Keeping in view the averments made in the application, the same is allowed. The delay of 108 days in filing the present appeal is hereby condoned.

Main Case

The above noted two appeals are being disposed of by this single judgment, having arisen out of the common impugned award dated 06.03.2013, passed by the learned Motor Accident Claims Tribunal, Hisar (for short 'the Tribunal').

2. The learned counsel for the appellant contends that the compensation awarded is inadequate in view of the nature of injuries suffered by the appellant in both the appeals.

3. On the other hand, the learned counsel for the respondents, contends that just and reasonable compensation has been awarded to the appellant.

4. I have heard learned counsel for the parties and perused the case file.

5. In FAO No. 5841 of 2013, it is evident from the perusal of the case file that soon after the accident, claimant-appellant Chandi was removed to the hospital, where appellant Chandi was operated upon for fracture of fibula bone right side.

He remained hospitalized from 25.02.2011 to 26.02.2011. The

learned Tribunal has awarded an amount of Rs.10000/-, towards pain and suffering, which in the opinion of this Court, is inadequate. Accordingly, another amount of Rs.10,000/-, is awarded under this head. It is further noticed that the learned Tribunal has awarded a sum of Rs.4000/-, for loss of income during the period of 20 days the claimant was not in a position to do work. This amount is also enhanced to Rs.10,000/-.

6. Accordingly, the claimant-appellant Chandi is held entitled to enhanced amount of compensation of Rs.16,000/-, as indicated above, over and above the amount already awarded by the learned Tribunal.

7. The appellant Ishwar was operated upon for fracture of shaft femur right side. He remained hospitalized from 25.02.2011 to 03.03.2011. The learned Tribunal has awarded an amount of Rs.15000/-, towards pain and suffering, which in the opinion of this Court, is inadequate. Accordingly, another amount of Rs.10,000/-, is awarded under this head. It is further noticed that the learned Tribunal has awarded a sum of Rs.5000/-, for loss of income during the period of 07 days of hospitalization. This amount is also enhanced to Rs.10,000/-. Further, the Tribunal has awarded Rs. 10,000/- on account of hospitalization which is further enhanced to Rs. 15000/- The compensation awarded under the other heads seems just and appropriate.

8. Therefore, the claimant-appellant is held entitled to enhanced amount of compensation of Rs.20,000/-, as indicated above, over and above the amount already awarded by the learned Tribunal.

9. The enhanced amount of compensation shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, both the appellants shall be entitled to interest as indicated in the award i.e. 7.5% per annum, from the date of filing the present appeals, till its realization.

10. With the aforesaid modification in the impugned award, the present appeals are partly allowed.

07.01.2016

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**(JITENDRA CHAUHAN)
JUDGE**