

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

**FAO-3732-2015 (O&M)
Date of decision: 31.05.2016**

Narinder Kumar

...Appellant

Versus

Sham Charan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gobind Korla, Advocate,
for Mr. Sandeep K. Sharma, Advocate,
for the appellant.

Mr. Satpal Dhamija, Advocate,
for respondent No.3-Insurance Company.

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JITENDRA CHAUHAN, J.

The injured-claimant has preferred the instant appeal for enhancement of the amount of compensation, awarded vide impugned Award dated 29.01.2015, passed by learned Motor Accidents Claims Tribunal, Fast Track Court, Ropar, ('the Tribunal', for brevity).

Learned counsel for the appellant contends that claimant-appellant, Narinder Kumar, suffered multiple injuries including three fractures of right arm and two fractures of right leg. Surgery was conducted and iron rods were inserted. He is still under treatment. He also suffered disability to the extent of 60%. Therefore, the amount of compensation awarded by the learned Tribunal is highly inadequate and deserves to be

enhanced.

On the other hand, learned counsel for respondent-Insurance Company contends that just and reasonable compensation has been awarded to the appellant.

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

In the present case, the injured-appellant suffered multiple injuries including three fractures of right arm and two fractures of right leg, wherein, iron rods were inserted. The extent of disability suffered by him has been assessed as 60%. Learned Tribunal has awarded ₹40,000/- under the heads of pain and suffering, special diet and transportation, which keeping in view the nature and seat of injuries suffered by the appellant, appears to be on the lower side. Accordingly, another amount of ₹25,000/- is awarded to the claimant-appellant under these heads. Furthermore, an amount of ₹10,000/- is awarded under the head 'loss of income'. The amount of compensation under the other heads is just and reasonable.

In view of the above, the claimant-appellant is held entitled to enhanced compensation of ₹35,000/-, over and above the amount already awarded by 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, the appellant shall also be entitled to the interest @ 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.

31.05.2016
Sumit/atulsethi

(JITENDRA CHAUHAN)
JUDGE