

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

FAO No.705 of 2013 (O&M)

Date of decision: 22.04.2016

Ashok Singh

...Appellant

Versus

Sandeep Malhotra and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Mayank Mathur, Advocate,
for the appellant (s).

Mr. Jasjit Singh, Advocate for
Mr. S. K. Sandhir, Advocate
for respondent Nos.1 and 2.

Mr. Rahul Pathania, Advocate for
Mr. R. C. Kapoor, Advocate
for respondent No.3.

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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, Patiala, ('the Tribunal', for brevity) vide award dated 05.11.2012.

It is contended that the appellant suffered fracture of his right leg resulting into its shortening. He remained hospitalised from 22.10.2010 to 11.11.2010. He suffered permanent disability to the extent of 19%.

The learned counsel for the respondents have not been able to controvert the submissions made by the learned counsel for the

appellant.

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

Considering the fact that the appellant has suffered permanent disability to the extent of 19%, therefore, this Court feels that ends of justice would be sufficiently met by awarding another amount of ₹15,000/- towards pain and suffering & disability to the appellant.

Further, keeping in view the nature of injury and the fact that the appellant had remained hospitalized, the appellant is entitled for another amount of ₹5,000/- for transportation.

In view of the above, the appellant is held entitled to the enhanced compensation of ₹20,000/- [(₹15,000/- (enhancement towards pain and suffering & disability) + ₹5,000/- (enhancement towards the 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, they shall also be entitled to 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.

22.04.2016

**(JITENDRA CHAUHAN)
JUDGE**