

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

FAO No.706 of 2013 (O&M)

Date of decision: 22.04.2016

Kewal Parkash

...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.

The learned counsel for the appellant submits that the appellant had received multiple injuries including fracture on right thigh, leg and arm resulting into permanent disability to the extent of 40%. He remained hospitalised for more than two months.

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 facts that the appellant has suffered permanent disability to the extent of 40%, therefore, this Court feels that ends of justice would be sufficiently met by awarding another amount of ₹25,000/- 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 also entitled for another ₹10,000/- for attendant charges, ₹10,000/- for special diet, ₹5,000/- for transportation and ₹25,000/- for loss of earning.

In view of the above, the appellant is held entitled to the enhanced compensation of ₹75,000/- [(₹10,000/- (enhancement towards the attendant charges) + ₹25,000/- (enhancement towards pain and suffering & disability) + ₹10,000/- (enhancement towards the special diet) + ₹5,000/- (enhancement towards the transportation charges) + ₹25,000/- (enhancement towards loss of earning)], 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, he 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

ashok

**(JITENDRA CHAUHAN)
JUDGE**