

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

FAO No.7472 of 2014 (O&M)

Date of decision : 26.05.2016

Chakmal

.....Appellant

Versus

Hura 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. Kunal Muthreja, Advocate for
Mr. Rajesh Lamba, Advocate for appellant.

Mr. Lalit Garg, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred by appellant-claimant Chakmal against the award dated 25.04.2014, passed by the learned Motor Accidents Claims Tribunal, Mewat (hereinafter called the 'Tribunal'), vide which the appellant-claimant have been awarded compensation to the tune of Rs.36,500/- on account of the injuries suffered by him in the present accident.

2. Learned counsel for the appellant-claimant contended that the claimant has suffered serious injuries in this accident. He was

agriculturist and was earning Rs.15,000/- per month. He has suffered lot of pain and suffering. He also suffered loss of income during the period he remained under treatment as he was not able to perform the agricultural work for a long time. Thus, he contended that compensation awarded by the learned Tribunal is highly inadequate.

3. On the other hand, Mr. Lalit Grag, Advocate, learned counsel for the respondent-Insurance Company contended that the learned Tribunal has taken into consideration all the heads to compute the compensation and the compensation awarded is just and appropriate.

4. I have duly considered the aforesaid contentions.

5. The learned Tribunal has awarded a total sum of Rs.36,500/- as compensation to the claimant on account of the injuries suffered by him in this accident, out of that Rs.31,445/- are towards the medical expenses and Rs.5000/- towards pain and suffering. No compensation has been awarded to the claimant under any other head.

6. As per the case of the claimant, he was working as an agriculturist and was earning Rs.15,000/- per month. The claimant has examined PW-3 Dr. T.R. Parashar, Medical Officer who has proved the injuries suffered by the claimant. The claimant has brought on record the medicine bills Ex.P2 to Ex.P29, the total thereof comes to Rs.31,445/-. The learned Tribunal has awarded only the medicine charges to the claimant. No amount has been awarded towards the treatment charges. So, the claimant shall be entitled to Rs.40,000/- towards medicine and treatment charges including Rs.31,445/- already awarded by the learned Tribunal.

7. The learned Tribunal has only awarded Rs.5000/- towards pain and suffering, which are liable to be enhanced to Rs.10,000/-. No amount has been awarded towards special diet, attendant charges, transportation charges, loss of income during the period of treatment. The claimant shall be entitled to a sum of Rs.3000/- towards special diet, Rs.3000/- towards attendant charges and Rs.5500/- towards loss of income during the period of treatment. In this way the total amount of compensation comes to Rs.61,500/-.

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellant-claimant is enhanced to Rs.61,500/- from Rs.36,500/- as awarded by the Tribunal. The appellant-claimant shall be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

26.05.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**