

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

**F.A.O No. 8286of 2014(O&M)
Date of decision :12.01.2016**

Chaman Lal

..... Appellant

Versus

Kamaldeep Singh alias Sheru and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Naveen Sharma, Advocate
for the appellant.

Mr. R.S.Madan, Advocate
for respondent no.3.

- 1. Whether Reporters of local papers may be allowed to see the judgement?Yes**
- 2. To be referred to the Reporters or not?Yes**
- 3. Whether the judgement should be reported in the Digest?Yes**

DARSHAN SINGH, J

The present appeal has been preferred against the award dated 09.05.2015 passed by the learned Motor Accidental Claims Tribunal (for short 'Tribunal), Roopnagar, vide which in the claim petition filed by the appellant under Section 166 of the Motor Vehicle Act, for grant of compensation on account of the injuries suffered by him in the motor vehicular accident occurred on 28.08.2012, a sum of Rs. 43,450/- has been awarded as compensation.

The claimant has come up in appeal for enhancement of the compensation.

2. Learned counsel for the appellant contended that the learned Tribunal has awarded only a sum of Rs. 5000/- towards loss of income. He contended that the claimant was doing the business of dairy and was also running a karnaya store and was earning Rs.15000/- per month. Due to the accident, he remained admitted in the hospital for ten days and has become permanently disabled. He further contended that the learned Tribunal has also not awarded any compensation on account of attendants charges. He further contended that claimant was an old man. The compensation awarded on account of pain and suffering is also inadequate.

3. On the other hand, learned counsel for the respondent n.3- Insurance Company contended that the just and appropriate compensation has been awarded by the learned Tribunal. The claimant has suffered only simply injuries.

4. I have duly considered the aforesaid contentions.

5. From the statement of PW-3 Dr. Balbir Kumar, Medical Officer, Civil Hospital, Nawa Shahr, it comes out that the claimant has suffered fracture lateral condyle right Tibia. Initially, the surgery was planned, but later on the POP was applied. It shows that the claimant has suffered the fracture lateral condyle right Tibia, which is grievous injury. Learned Tribunal has awarded only a sum of Rs. 10,000/- on account of pain and suffering. The claimant was an old man of 60 years of age. He remained admitted in the hospital for seven days and has also suffered the

fracture. So, the compensation on account of pain and sufferings is enhanced to Rs. 15,000/-. The claimant has also not been awarded any compensation on account of the attendants charges. In the opinion of this Court, he will be entitled to a sum of Rs. 5000/- towards attendants charges. The Tribunal has awarded Rs.5000/- towards loss of income, which deserves to be enhanced to Rs. 7000/-. In this manner, the appellant is entitled for enhancement of the compensation to the tune of Rs. 12,000/- making the total amount of compensation as Rs.55,450/- instead of Rs. 43,450/- as awarded by the learned Tribunal.

6. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is hereby enhanced from Rs. 43,450/- to Rs.55,450/-. The claimant shall also be entitled to the interest at the rate of 9 % per annum as awarded by the Tribunal from the date of filing the claim petition till realization on the enhanced amount. The liability to pay the awarded amount shall be as per the award passed by the Tribunal.

January 12, 2016

s.khan

**(DARSHAN SINGH)
JUDGE**