

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

FAO No.9000 of 2014 (O&M)

Date of decision : 23.08.2016

Charanjeet Singh alias Lucky

.....Appellant

Versus

Bir Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Mandeep Singh Khillan, Advocate for appellant.
 Mr. Mohan Singh Rana, Advocate for respondents No.1 & 2.
 None for respondent No.3-Insurance Company.

DARSHAN SINGH, J.

CM-24600-CII-2014

There is delay of 62 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 62 days in filing the present appeal is hereby condoned.

FAO-9000-2014

2. The present appeal has been preferred by the injured claimant Charanjeet Singh alias Lucky against the award dated 01.03.2014 passed by learned Motor Accidents Claims Tribunal, Karnal (hereinafter

called the “Tribunal”), vide which he has been awarded compensation to the tune of ₹27,250/- on account of the injuries suffered by him in the motor vehicular accident which took place on 26.09.2011.

3. The present appeal has been preferred by the appellant-claimant for the enhancement of the amount of compensation.

4. I have heard learned counsel for the parties and gone through the paper-book meticulously.

5. Learned counsel for the appellant contended that the learned Tribunal has awarded very less amount towards pain and suffering. The claimant has suffered fracture dislocation of right hip joint. Very less amount has been awarded on account of special diet and transportation.

6. On the other hand, learned counsel for the respondents No.1 & 2 contended that just compensation has been awarded by the learned Tribunal while taking into consideration all the circumstances of the case. Thus, he contended that the claimant is not entitled for any enhancement.

7. I have duly considered the aforesaid contentions.

8. From the statement of PW4 Dr. J.K. Gulati it comes out that claimant had suffered fracture dislocation of right hip joint. The claimant was admitted in Virk Hospital, Karnal on 29.09.2011 and was discharged on 04.10.2011. The traction was applied on 27.09.2011. So, the claimant had remained hospitalised for a period of nine days and during this period, the traction was applied, which is quite painful process and a person is immobilised. The learned Tribunal has awarded only ₹9000/- towards pain and suffering which appears to be inadequate. So, the compensation on

account of pain and suffering is enhanced to ₹15,000/-.

9. The learned Tribunal has awarded ₹5000/- on account of special diet and transportation. The learned Tribunal has combined both the heads *i.e.* special diet and transportation in one head and total ₹5000/- has been awarded. The compensation under this head is also enhanced from ₹5000/- to ₹8000/-. In this way, there will be net increase of ₹9000/- in the amount of compensation awarded by the learned Tribunal. The total amount of compensation payable to the appellant-claimant comes to ₹36,250/- (27,250 + 9000).

10. 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 ₹36,250/- from ₹27,250/- as awarded by the Tribunal. The appellant-claimant shall also 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.

23.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No