

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

FAO-98-2014 (O&M)
Date of decision: 01.06.2016

Ram Narain

...Appellant

Versus

Rajesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Bhupinder Singh, Advocate
for the appellant.

Mr. Vishal Nehra, Advocate
for respondent No.1.

Mr. S. S. Sidhu, Advocate
for respondent No.2.

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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, Sonapat, ('the Tribunal', for brevity) vide award dated 04.04.2013.

The learned counsel for the appellant contends that the appellant remained hospitalized for 17 days and suffered multiple grievous injuries as a result of which he sustained the permanent disability to the extent of 50%. It is further submitted that the amount awarded towards special diet, attendant expenses and transportation as also for loss of income is also on lower side. Therefore, the

compensation awarded by learned Tribunal is highly inadequate.

On the other hand, learned counsel for the respondents stated that a just and reasonable compensation has been awarded to the appellant and prayed for dismissal of the present appeal.

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

The Learned Tribunal has awarded Rs.90,000/- towards permanent disability. Considering the permanent disability to the extent of 50%, another amount of Rs.10,000/- towards the disability would sufficiently meet the ends of justice.

In the instant case, learned Tribunal has awarded Rs.25,000/- as compensation towards 'pain and suffering', which this Court feels is inadequate. Keeping in view the fact that he remained hospitalized from 13.07.2005 to 01.08.2005 at a young age of 30 years, and as per record his post discharge treatment continued upto 2010, which is clear from the OPD record of the PGIMS, Rohtak, accordingly, the compensation under the head 'pain and suffering' is enhanced from Rs.25,000/- to Rs.35,000/-.

Further, the amount towards special diet, attendant expenses and transportation i.e.Rs.12,000/- is also on the lower side. It is admitted position that the appellant was admitted for the period of 17 days in PGIMS, Rohtak. In such circumstances, the appellant must

have undertaken similar visits during the post treatment period also, therefore, the appellant is also entitled for another amount of Rs.15,000/- towards special diet, attendant charges and transportation.

Keeping in view the nature and seat of injuries, it can safely be inferred that the appellant must have remained immobile for at least four months. Therefore, another amount of Rs.15,000/-, is awarded to the appellant towards loss of income.

In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.50,000/- [Rs.10,000/- (enhancement towards disability) + Rs.10,000/- (enhancement towards pain and suffering) + Rs.15,000/- (enhancement towards loss of income) +Rs.15,000/- (enhancement towards special diet, attendant expenses and 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, he shall also be entitled to interest as indicated in the award i.e. 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.

01.06.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**