

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.720 of 2003(O&M)

Date of Decision: 02.11.2017

Mamu Ram

... Appellant

Versus

Angrej Singh & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vinod K. Kanwal, Advocate, for
Mr. Ashit Malik, Advocate,
for the appellant.

Capt. Vinod Chaudhary, Advocate,
for respondent-Insurance Company.

RAJIV NARAIN RAINA, J.(Oral)

If there is an apparent mistake in the calculation of the amount assessed and awarded under the conventional heads by the Motor Accidents Claims Tribunal, it deserves to be corrected straightaway from ₹28,800/- to ₹32,800/-. Having ordered that correction, the award is modified to read the compensation amount awarded under the six heads as ₹32,800/-.

However, looking not just to the percentage of the permanent disability suffered in the road accident, but also the fact that the fracture was in the pelvis and the injured appellant was laid up in bed for several months and further that claimant was an Auto Rickshaw driver, he must have faced considerable agony, pain and suffering and loss of daily income resulting from the accident for which he deserves in addition to what the Tribunal has granted, something more.

Having regard to the fact that the accident took place in the year 2000 and the source of livelihood of the injured, it appears to me that the ends

of justice will be served in a just manner if in addition to the awarded amount, an amount of ₹20,000/- is granted over and above for pain and suffering and loss of income.

As a result, this appeal is partly allowed, the apparent calculation mistake in the award when cured will yield and additional ₹4000/- to the appellant totalling ₹32,800/- to which an amount of ₹20,000/- as allowed above making a grand total of ₹52,800/-. The interest rate awarded by the Motor Accidents Claims Tribunal, Karnal, in his award dated 07.11.2002 is maintained. The interest on the recalculated amount of ₹32,800/- minus ₹28,800/- = ₹4,000/- is maintained at 12% interest. However, the additional amount of compensation awarded for pain and suffering will carry 8% interest from the date of claim application till realization. The award stands modified as above. The amount be calculated and deposited before the Tribunal/Executing Court, within a period of two months from the date of receipt of a certified copy of this order and the same be disbursed to the injured as per the procedure without delay.

02.11.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>