

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

FAO No. 3209 of 2001

Date of decision : 08.02.2017

Prem Nath

.....Appellant

Versus

Darshan Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sandeep Goyal, Advocate for appellant.

Mr. R.N. Singal, Advocate for respondent-Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 19.03.2001, passed by the learned Motor Accidents Claims Tribunal, Karnal (hereinafter called the “Tribunal”) in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short the “Act”), whereby the appellant-claimant has been awarded compensation to the tune of ₹92,000/- on account of the injuries suffered by him in the motor vehicular accident which took place on 05.07.1999.

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

3. I have heard learned counsel for the parties and gone through the record of the case meticulously.

4. Learned counsel for the appellant-claimant contended that

the learned Tribunal has awarded very less amount for pain and suffering and special diet. No amount has been awarded to the claimant towards attendant charges and transportation charges. He contended that the claimant has suffered serious stomach/abdominal injuries and remained hospitalized for a number of days. Thus, the compensation awarded by the learned Tribunal is highly inadequate.

5. On the other hand, learned counsel for respondent-Insurance Company contended that the learned Tribunal has taken into consideration all the relevant heads to assess the amount of compensation. The compensation so awarded by the learned Tribunal is just compensation in view of the injuries suffered by the claimant and no further enhancement in the amount of compensation is required.

6. I have duly considered the aforesaid contentions.

7. As per the statement of PW-2 Dr. Parveen Garg, Parveen Hospital, Karnal the claimant had serious abdominal injuries. There were multiple tears on upper and lower surface of liver. There was massive amount of blood present in the abdomen. There was retro peritoneal haemotoma. Liver of the claimant had to be repaired. Thus, he had to remain hospitalized for a period of 15 days. Thus, the appellant-claimant has suffered lot of pain and suffering and mental agony due to the injuries in the present accident. The learned Tribunal has awarded ₹20,000/- towards pain and mental agony, which is enhanced to ₹28,000/-.

8. The learned Tribunal has not awarded any amount to the

claimant towards attendant charges and transportation charges. The claimant had remained hospitalized for a considerable number of days. Even after the discharge from the hospital, he might not have been able to follow his normal pursuits of life and might have needed the assistance of an attendant. So, the claimant shall be entitled to ₹4000/- towards attendant charges. He also might have to visit the hospital for further follow up treatment and will be entitled to ₹3000/-. In this way, the total amount of compensation comes to ₹1,07,000/-.

9. 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 ₹1,07,000/- from ₹92,000/- as awarded by the Tribunal. The appellant-claimant shall be entitled to interest on the enhanced amount of compensation @ 6% per annum from the date of filing the claim petition till realisation. The liability to pay the enhanced amount shall remain the same as determined by the learned Tribunal in the main award.

08.02.2017

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No