

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

327-A

FAO No.800 of 2002
Decided on : 12.10.2017

Surinder Kumar Chaudhary

... Appellant

Versus

Babu Ram and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present : Mr.Vikas Mohan Gupta, Advocate
for the appellants.

Mr.Rajesh K. Sharma, Advocate,
Mr.Ravinder Arora, Advocate and
Mr.Neeraj Khanna, Advocate
for New India Assurance Company Limited.

Avneesh Jhingan , J. (Oral)

Present appeal has been filed against the award dated 01.10.2001 passed by the Motor Accidents Claims Tribunal, Rupnagar (for short 'the Tribunal').

2. Brief facts relevant for the decision of the present appeal are that on 23.11.1999, Surinder Chaudhary, Balbir Singh and Harpal Singh aged 45 years were travelling in a car bearing registration No.CH-01-3144. Near village Bharatgarh, the car was struck by rashly and negligently truck bearing registration No.HP-11/2136. As a result of the accident, Surinder Chaudhary suffered injuries. FIR No.211 dated 23.11.1999 was registered at Police Station Rupnagar.

3. Claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act). The Tribunal awarded total compensation of Rs.7,07,000/- on all counts.

5. Aggrieved of the said award, the present appeal has been filed for enhancement of compensation.

6. I have heard learned counsel for the parties and perused the papers book.

7. This was burnt case and has been reconstructed from the salvaged record and copies supplied by counsel subject to all just exceptions.

8. Learned counsel for the appellant argued that Doctor Navtej Pal Singh, PW-10 deposed before the Tribunal that the claimants had post-traumatic foot drop right with waisting of top muscles with painful mestrictions of all movements of right hip and has become permanently disabled by 50%. He proved disability certificate Ex.P-13. It was further stated that there was no chance of improvement. He further argued that claimant remained admitted in the PGI from 23.11.1999 to 11.12.1999 i.e. 18 days. The claimant underwent surgery for food dropping.

9. Learned counsel for the appellant has argued that no amount has been awarded for pain & suffering and special diet by the Tribunal. The amount awarded for attendant is on the lower side. He further argued that the injury suffered was such, that there had to be follow up treatment.

10 Learned counsel for the respondent has opposed the enhancement of compensation to the amount already awarded by the Tribunal.

11. Keeping in view the facts of the case and considering the nature of injury, there was bound to be follow up treatment. Tribunal ought to have considered the pain suffered by the claimant as his body

movement has been restricted for rest of his life.

Keeping in view of these facts and the mental trauma and body pain suffered by the claimant, over and above the amount already awarded by the Tribunal, a lump sum amount of Rs.1,20,000/-is awarded along with interest at the rate of 6% from the date of filing the claim petition till its realization.

[Avneesh Jhingan]
Judge

12.10.2017
sd

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No