

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

FAO No. 3414 of 2005

DATE OF DECISION : 06.11.2017

R.C. Wadhwa and another

.... APPELLANTS

Versus

Gurmeet Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. H.S. Tuli, Advocate, for
Mr. S.S. Rangi, Advocate,
for the appellants.

Mr. Lalit Kumar, Advocate,
for respondent No.3 – Insurance Company.

* * *

AVNEESH JHINGAN, J. (Oral)

The present appeal is for enhancement of compensation for the injuries sustained in a motor vehicular accident that occurred on 08.03.2003.

The file of this appeal was burnt and from the photo copy of the paper book supplied by learned counsel for the appellants, the file of this case was reconstructed subject to all just exceptions and further verification.

Appellants, namely R.C. Wadhwa and his wife Veena Wadhwa, were travelling in a car bearing registration No. PB-10U-0281. The said car was struck by a rashly and negligently driven bus bearing registration No. PB-10AJ-9603 (for short, 'the offending vehicle'). The appellants suffered

the collar bones and ribs fracture. FIR was also registered.

A claim petition under Section 166 of the Motor Vehicles Act, 1988, was filed by both the injured persons.

The Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal'), after considering the witnesses and evidence produced before it, awarded a compensation of ₹ 17,000/- to the claimants.

Aggrieved of the said award, the claimants have preferred this appeal for enhancement of compensation.

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

In the present case, the facts are not disputed by the parties.

The only issue raised by learned counsel for the appellants is that the amount of ₹ 17,000/- awarded by the Tribunal is on lower side. Learned counsel for respondent No.3 – Insurance argued that nothing was brought on record to substantiate the earning of the appellants. It is further argued that even no doctor was examined to prove the disability.

Be that as it may, there is no dispute with regard to the accident, involvement of the offending vehicle and nature of the injuries suffered by the appellants. Even their hospitalization for seven days has not been seriously disputed.

Keeping in view the facts and nature of the injuries, since nothing has been awarded for attendant and special diet, it is deemed

appropriate that another sum of ₹ 25,000/- is awarded to the appellants, over and above the amount already awarded by the Tribunal. The Tribunal has already awarded a conditional interest. This condition will as such apply to the enhanced amount also.

In view of the above, the award dated 03.03.2005 is modified to the extent that the compensation of ₹ 17,000/- awarded by the Tribunal is enhanced to ₹ 42,000/-.

The appeal is partly allowed in the aforesaid terms.

November 06, 2017
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No