

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

FAO No. 2332 of 2007

Date of decision:- 26.09.2017

Subhash

...Appellant

Versus

Mahinder & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. P.K. Ganga, Advocate, for the appellant.

Mr. R.C. Gupta, Advocate for respondent No. 3

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 04.05.2006 passed by the learned Motor Accident Claims Tribunal, Sirsa (for short, 'the Tribunal') to the tune of Rs.1,23,000/-.

FACTS NOT IN DISPUTE

On 29.06.2004, the claimant-appellant was travelling from village Chaharwala to village Kagdana through his motor cycle. When he reached near village Kagdana, his motorcycle was knocked down by a jeep bearing No. RJE-0536 driven by respondent No. 1 rashly and negligently. Petitioner sustained serious and grievous injuries.

COMPENSATION ASSESSED BY MACT

Loss of Income	Rs.1,12,000/-
Medical Treatment	Rs.11,000/-
<i>Total compensation</i>	<i>Rs.1,23,000/-</i>

The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced.

It is not in dispute that the claimant has proved bills and receipts regarding the expenses incurred by her on her treatment. Further P.W.4 Dr. Kulbhushan Garg deposed that the appellant has suffered 35% disability. The monthly income of the petitioner was taken at Rs.2000/- per month to be that of a casual labourer.

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is re-assessed as under:-

Loss of Income	2000X12=Rs.24,000/- annually
Dependency	24000X1/3= Rs.8000
Multiplier	8000X15=Rs.1,20,000/-
Pain and suffering	Rs.25,000/-
Better diet & Transportation	Rs.20,000/-
Medical Bills	Rs.11,000/-
Total compensation	Rs.1,76,000/-
Enhanced compensation	1,76,000-1,23,000=Rs.53000/-

The enhanced amount of compensation of **Rs.53000/-** shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of ***Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539***. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

26.09.2017
G Arora

(**RITU BAHRI**)
JUDGE
Yes
No

Whether speaking/reasoned
Whether reportable