

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

CM-23216-CII-2017 in
FAO-2948 of 2010
Date of decision: 02.11.2017

Sandeep Garg

.... Appellant

Versus

Harish Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Sachin Mittal, Advocate
for the appellant.

Mr. M.B.Jain, Advocate
for respondent No.3.

Avneesh Jhingan, J.

CM-23216-CII-2017

The application has been moved for restoration of the appeal.

Learned counsel for respondent No.3 has no objection, if the application is allowed.

For the reasons mentioned in the application, which is duly supported by an affidavit, order dated 26.10.2017 is recalled and the appeal is restored to its original number.

On consent of both parties, the main appeal itself is taken up for disposal today.

FAO-2948 of 2010

The present appeal has been filed for enhancement of

compensation for the injuries suffered by Sandeep Garg, aged 40 years, in a motor vehicular accident that occurred on 29.12.2008. On the said day, the appellant was travelling in Haryana Roadways Bus bearing registration No.HR-66/2937 for going to Gurgaon from Dharuhera. At about 8.45 a.m., the bus reached near Bilaspur and hit the toll tax booth. A number of passengers suffered multiple grievous injuries including the appellant. The appellant was taken to Raman Munjal Memorial Hospital, Sidhrawali.

The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed.

The Tribunal after considering the facts in entirety, awarded a sum of Rs.85,664/- along with interest @ 6% per annum.

Aggrieved of the said order, the present appeal has been filed.

I have heard the learned counsel for the parties and perused the paperbook.

Learned counsel for the appellant has argued that while awarding the compensation, the Tribunal has only considered the loss of income and awarded the amount for pain and suffering. He argued that the medical expenses and the operation expenses have not been reimbursed. He contended that the appellant was working as Deputy Manager with M/s General Motors, Gurgaon. He stated that he remained leave for 27 days and had proved his salary also.

Learned counsel for respondent No.3 has argued that there was no permanent disability and nothing was proved on record. The medical bills had already been reimbursed under accidental insurance policy. Hence,

no further enhancement is called for.

As there is no disability in the present case, the appellant has to be compensated to the extent that the money can. It appears that he had got suitable reimbursement of the medical expenses and the surgery he underwent under accidental policy.

Be that as it may, keeping in view that he was hospitalised and was operated upon, a sum of Rs.25,000/- as lumpsum over and above already awarded is enhanced. It may be mentioned that while awarding the said amount, the interest to be awarded under section 171 of the Act was also be taken care of.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

02.11.2017
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1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : Yes/No