

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

**FAO No.2331 of 2011
Date of Decision.09.08.2017**

Monu (minor) son of late Shri ParkashAppellant

Vs

Vikas and othersRespondents

Present: Ms. Bhagyashri, Advocate for
Mr. Naveen S. Bhardwaj, Advocate
for the appellant.

Mr. Anil Ghanghas, Advocate
for respondent Nos.1 and 2.

Ms. Monika Jangra, Advocate for
Ms. Vandana Malhotra, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

C.M. No.8009-CII of 2011

For the reasons stated in the application, delay of 11 days in
filing the appeal is condoned.

Application is allowed.

FAO No.2331 of 2011

The appeal is for enhancement of compensation for the injuries
suffered by a boy namely Monu, who was a student of 6th class and aged 14
years. He was riding a bicycle when a dumper bearing registration No.HR-
15G-1789 coming from Bhiwani side driven rashly and negligently by
respondent No.1, struck against the cycle, resulting into serious injuries to

the claimant.

The Tribunal while assessing the compensation awarded a sum of ₹804/- towards medical bills, ₹2500/- for special diet and attendant charges for two months @₹2500/- i.e. ₹5000/-. In total, a sum of ₹8304/- was awarded with interest @7.5% per annum from the date of institution till realization.

Learned counsel for the appellant submit that the compensation awarded by the Tribunal is very meager. The claimant suffered a head injury and remained hospitalized from 02.03.2009 to 14.4.2009. The discharge certificate disclosed that the injury was managed by conservative skeletal traction. He continued to take follow up treatment. The Tribunal has provided nothing under the head of pain and suffering, loss of amenities of life and transportation, much less, the amount assessed under the heads of special diet and attendant charge is also on lower side, thus, there is scope for enhancement.

On the contrary, learned counsel appearing for the respondents submits that in the absence of any cogent and direct evidence qua the amount spent on the treatment, much less, nature of injuries, the Tribunal has correctly assessed the amount of compensation and there is no scope for further enhancement.

I have heard learned counsel for the parties, appraised the paper book and of the view that the claimant remained hospitalized for 44 days and undergone a surgical process. The Tribunal ought to have provided some amount under the heads of pain and suffering and transportation. Keeping in view the fact that the claimant was a boy of 14 years old and he

went through lot of pain and suffering, I will provide a further sum of ₹42,000/- over and above the amount what has already been awarded by the Tribunal with interest @6% from the date of filing of the appeal till realization. The enhanced amount shall be paid to the claimant as he has attained the age of majority by now. The liability to pay the aforementioned amount shall be upon respondent Nos.1 to 3 jointly and severally.

The award stands modified and the appeal is allowed to the above extent.

(AMIT RAWAL)
JUDGE

August 09, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No