

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

FAO No. 1479 of 2012

DATE OF DECISION : 31.10.2017

Surat Singh

.... APPELLANT

Versus

Anil Kumar and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Randeep Singh, Advocate, for the appellant.

Mr. Binat Sharma, Advocate, for
Mr. A.S. Sidhu, Advocate, for respondent No.3.

* * *

AVNEESH JHINGAN, J. (Oral)

The present appeal is result of injuries suffered by Surat Singh in a motor vehicular accident that occurred on 07.05.2005. The injured was 52 years of age at the time of the accident. He suffered injuries on the right eye, forehead and right cheek, and multiple fractures on his right leg. He was taken to hospital of Dr. Vijay Gupta, Karnal, from where he was taken to CHC Ludhiana, where several operations were conducted on his leg and foot and plastic surgery of his face was done.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, the Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal'), awarded a total sum amount of ₹ 35,000/- to the claimant,

detail of which is tabulated as under :-

Towards Medical expenses	: ₹ 10,000/-
Permanent disability	: ₹ 10,000/-
Loss of income	: ₹ 5,000/-
Pain and sufferings	: ₹ 5,000/-
Transportation, Special diet etc.	: ₹ 5,000/-
Total	: ₹ 35,000/-

The present appeal is for enhancement of compensation.

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

The facts of the case have not been disputed by the parties.

Learned counsel for the appellant argued that the appellant suffered 10% permanent disability qua limb, which was assessed 5% for the whole body. He was an agriculturist and because of his disability, his work in the fields had suffered. Learned counsel further submits that the amounts awarded for medical expenses, permanent disability, loss of income, pain and sufferings and transportation etc. are on lower side and same require enhancement. Concluding his arguments, he submits that if another amount of ₹ 35,000/- over and above the compensation already awarded by the Tribunal is awarded, claim of the appellant would be satisfied.

Learned counsel for respondent No.3 – Insurance Company defended the amount already awarded by the Tribunal and vehemently resisted any enhancement.

The Tribunal, while awarding the compensation, has taken a

myopic view of the accident. The issue to be considered was that the claimant suffered multiple injuries, including two fractures for which he was hospitalised for ten days and was operated upon. The injury suffered was such that there would be post hospitalization treatment also. An attendant would have been required during the period of treatment and thereafter also. Because of the surgery and fractures, special diet as advised by the Doctor would have been given.

The Hon'ble Apex Court in *G. Ravindranath @ R. Chowdary Versus E. Srinivas and another*, 2013(12)SCC 455, has observed that in cases of injury, pecuniary and non-pecuniary damages, suffered due to the accident, should be compensated.

Keeping in view the facts and circumstances of the case and the aforesaid decision of the Hon'ble Apex Court, it is deemed appropriate that another sum of ₹ 35,000/- is awarded to the appellant.

Consequently, the award dated 28.10.2011 is modified to the extent that the amount of ₹ 35,000/- awarded by the Tribunal is enhanced to ₹ 70,000/-.

The appellant shall be entitled to the enhanced amount along with interest at the rate of 6% per annum from the date of filing of the claim petition till realisation of the amount.

The appeal is party allowed in the aforesaid terms.

October 31, 2017
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No