

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

FAO No.4941 of 2012 (O&M)

Date of Decision.31.10.2017

Anil Kumar son of Shri Jagdish Chand

.....Appellant

Vs

Kuldeep Singh and others

.....Respondents

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

Mr. Arvinder Arora, Advocate
for respondent No.1.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The appeal is for enhancement of compensation for injuries suffered in a motor accident that took place on 11.03.2009. The claimant was going on foot to deliver milk to one of his relative and when he reached at Luxmi Medical Store near bus stand, Lakhnaura, Tehsil Naraingarh, a motor cycle bearing registration No.HR-02M-9943 driven rashly and negligently hit the claimant, as a result of which he received multiple grievous injuries. His jaw was fractured and a rod was inserted in his leg. An FIR under Sections 279, 337 IPC was also registered against the motor cyclist.

The Tribunal while assessing the compensation awarded ₹32,000/- for medicines, transportation and special diet, ₹10,000/- for mental pain and agony, totalling ₹42,000/- with interest @6% per annum from the date of filing of the claim petition till the date of realization.

Mr. Parminder Singh, learned counsel appearing on behalf of the appellant-claimant submits that the claimant was admitted in the

General Hospital, Naraingarh on 11.03.2009 but thereafter referred to Government Medical College and Hospital, Sector 32, Chandigarh and remained admitted there till 02.05.2009. The claimant had fractured both bones of his right leg and his jaw bone for which he was operated upon. The Tribunal has grossly erred in providing a meager amount of ₹10,000/- for pain and suffering. The amounts provided under the heads of medical expenses, special diet and transportation are also on lower side, therefore, the compensation is required to be enhanced.

Per contra, Mr. Arvinder Arora, learned counsel appearing on behalf of respondent No.1 submits that the Tribunal has assessed all the heads of claim sufficiently and there is no scope for further enhancement, thus, urges this Court for dismissal of the appeal by upholding the award passed by the Tribunal.

I have heard learned counsel for the parties and appraised the paper book. The Tribunal has provided the amount spent on the medicines to the tune of ₹22,000/- as per the bills produced by the claimant. It further provided ₹10,000/- for special diet and transportation and ₹10,000/- for pain and suffering. In my view, the little scope for enhancement is under the head of pain and suffering, which I will enhance to ₹20,000/-. I will also provide another sum of ₹10,000/- for disfigurement of face. In all, the claimant shall be entitled to an enhanced amount of ₹20,000/-. This Court vide order dated 28.03.2016 had already condoned the delay of 501 days in filing the appeal with a rider that the claimant shall not be entitled to interest for the period of delay in preferring the appeal i.e. 501 days. Therefore, the enhanced amount of ₹20,000/- shall also attract with interest

claimant shall not entitled to such interest for the period of delay in filing the appeal i.e. for 501 days. The liability shall remain the same as has already been assessed by the Tribunal.

The award passed by the Tribunal is modified and the appeal is allowed to the above extent.

(AMIT RAWAL)
JUDGE

October 31, 2017
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No