

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

FAO No. 1104 of 2013 (O&M)

DATE OF DECISION : 11.10.2017

Sham Lal

.... APPELLANT

Versus

Harpal Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Raj Kumar Rana, Advocate,
for the appellant.

Mr. M.B. Jain, Advocate,
for respondent No.3-Insurance Company.

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AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 13.08.2012 passed by the Motor Accident Claims Tribunal, Ambala (for short 'the Tribunal').

Appellant Sham Lal aged 48 years suffered injuries on 03.06.2011, when he was struck by car bearing registration No. HR-01Z-3050 (for short, 'the offending vehicle'). There is no dispute that the offending car was being driven rashly and negligently. As a result of the accident, the appellant suffered multiple injuries, including injuries on the head.

A claim petition under Section 166 of the Motor Vehicles Act, 1988, was filed.

The Tribunal, after considering the evidence and witnesses, awarded compensation of a sum of ₹ 29,000/- along with interest at the rate of 7.5% per annum.

Aggrieved of the said award, the present appeal has been filed by the claimant for enhancement of compensation.

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

Learned counsel for the appellant argued that the amount awarded by the Tribunal for pain and suffering is on lower side and no amount has been awarded for special diet and attendant.

Learned counsel for respondent No.3 – Insurance Company vehemently defended the award of the Tribunal and resisted the enhancement.

In the facts and circumstances of the case, it is deemed appropriate that if another amount of ₹ 10,000/- is awarded to the appellant over and above the amount of ₹ 29,000/- already awarded by the Tribunal. Hence, the award dated 13.08.2012 is modified to the extent that the amount of ₹ 29,000/- awarded by the Tribunal is enhanced to ₹ 39,000/-.

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 partly allowed and disposed of in the aforesaid terms.

October 11, 2017
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes