

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

**FAO No. 1457 of 2013 (O&M)
Date of Decision:- 07.12.2017**

Subhash

....Appellant

Versus

Ashwan & Anr..

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Govind Rana, Advocate for
Mr. Harkesh Manuja, Advocate, for the appellant.

None for the respondents.

AVNEESH JHINGAN, J. (Oral)

Present appeal has been filed against award dated 04.01.2013 passed by Motor Accident Claims Tribunal, Sonapat (for short, 'the Tribunal').

Subhash, aged 23 years met with motor vehicluar accident on 19.05.2010. The said accident involved motor-cycle bearing registration No. HR-10P-0257 and one Wagon-R car bearing registration No. HR-42A-4854 (for short, 'the offending vehicle'). The appellant suffered multiple injuries in the accident and he was taken to hospital. From there he was taken to Jaipur Golden Hospital, Delhi, where he remained admitted for 13 days. FIR No. 123, dated 20.05.2010 was registered.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed. The Tribunal after appreciating the facts and considering the evidence produced awarded a sum of ₹1,18,300/- along with interest @7.5% per annum.

I have heard learned counsel for the appellant and perused the paper-book and record.

Learned counsel for the appellant argued that the amount awarded for pain and suffering is on the lower side. He further argued that no amount has been awarded for the attendant. No other issue was raised.

No one has put in appearance on behalf of the respondent-insurance company in spite of service.

The appellant had suffered injuries and remained hospitalised for 13 days i.e. 19.05.2010 to 31.05.2010. He had suffered multiple injuries and had spent ₹1,06,300/- on hospital and medicines. Though it has not come on record what were details of the injuries suffered by him, but his hospitalisation itself is an indicator that he was badly injured. During the period of hospitalisation attendant must have been required. The pain and suffering awarded of Rs.5,000/- is on the lower side as the compensation under pain and suffering is not only for physical pain but for mental agony, trauma and harrassment.

Keeping in view the facts and circumstances of the case, it is deemed appropriate that another amount of ₹25,000/- is awarded over and above the amount already awarded by the Tribunal. The amount enhanced has been arrived at after considering the interest to be awarded under Section 171 of the Act.

The appeal is partly allowed in the aforesaid terms.

December 07, 2017
tripti

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No