

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

FAO 1631 of 2013 (O&M)
Date of decision: 06.11.2017

Nawal Singh*Appellant*
Versus
Din Dayal and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal
-.-

Present: Ms Ankita Gupta for
Mr. Arun Yadav, Advocate
for the appellant

Mr. Manoj Yadav, Advocate
for respondent No. 1

Mr. N K Manchanda, Advocate
for respondent No. 2
-.-

Rekha Mittal, J. (Oral)

The injured victim is in appeal seeking enhancement of compensation in respect of injuries sustained by him in a motor vehicular accident that took place on 21.07.2010.

The Motor Accidents Claims Tribunal, Rewari (hereinafter to be referred as 'the Tribunal') has assessed compensation to the tune of Rs.58,705.00, detailed hereunder:-

Compensation on account of permanent partial disablement to the extent of 15%	30,000
Pain and suffering	10,000
Medical expenses	14,705
Transportation charge	2,000

Special diet/attendant charges	2,000
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Counsel for the appellant would urge that compensation assessed by the Tribunal on account of disability to the extent of 15%, pain and suffering, transportation charges etc. is on lower side and liable to be increased.

Counsel representing the insurance company, on the contrary, has supported the award with the submission that adequate compensation has been assessed by the Tribunal.

Mr. Manoj Yadav, Advocate earlier representing respondent No. 1 would state that his client has taken back the brief.

The Tribunal has awarded compensation to the tune of Rs.30,000.00 on account of disability to the extent of 15%. Dr Ashok Saini, SMO, GH Rewari, PW5 appeared in the witness box to prove disability certificate Ex.PW5/A. He has deposed that disability to the extent of 15% was caused on account of restricted movement of right ankle with mild loss of stability and pain. Taking into consideration the nature and extent of disability suffered by the injured victim, there is no justification to enhance compensation under this head. The Tribunal has awarded sufficient amount qua pain and suffering and rightly reimbursed medical expenses.

The injured victim remained hospitalized for a period of ten days, implant was fixed because of fracture of bones of right leg. The Claimant shall be entitled to an amount of Rs.5,000.00 for expenses of transportation and another Rs.5,000.00 for special diet/attendant charges (additional amount Rs.6,000.00). He is awarded a sum of Rs.10,000.00 for loss of amenities of life. The additional amount of Rs.16,000.00 shall be

payable with interest at the rate of 7.5% from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms. However, it is clarified that other terms and conditions of the award shall remain intact.

(Rekha Mittal)
Judge

06.11.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No