

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

**FAO No. 2643 of 2013 (O&M)
Date of Decision:- 20.11.2017**

Nirmal Singh

....Appellant

Versus

Sanjeev Kumar & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Vivek Singla, Advocate, for the appellant.

Mr. D.R. Bansal, Advocate, for respondent No. 4.

AVNEESH JHINGAN, J. (Oral)

The present appeal is filed against the award dated 18.05.2011 passed by the Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal').

Nirmal Singh suffered a fracture on the leg in a motor vehicular accident that occurred on 15.02.2008. He was riding a motor-cycle, which was hit by jeep bearing registration No. HR-61-6638. As a result of the accident, he suffered multiple injuries and fracture of the leg. FIR No. 56, dated 15.02.2008, was registered at Police Station Assandh, District Karnal. He was hospitalised and underwent treatment.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed and the Tribunal awarded a sum of ₹3,28,000/- along with interest @6% per annum.

Present appeal has been filed for enhancement of the compensation.

Learned counsel for the appellant argues that the amount awarded for pain and suffering, transportation, special diet and future expenses of ₹20,000 and ₹10,000/- is on the lower side.

Learned counsel for the insurance company defended the award and resisted any enhancement.

The appellant was hospitalised on various occasions for almost 38 days, which ensures that the transportation must have been needed during the period of hospitalisation. The fracture in the leg has an effect on mobility of the person and he may not be able to drive a two wheeler for a long time. While considering the amount for pain and suffering one has to take into consideration that it is not a physical pain but the trauma, harassment and mental agony which one has to undergo.

Keeping in view the facts and circumstances, it is deemed appropriate that ₹3,28,000/- awarded by the Tribunal is enhanced by Rs.10,000/-. It is clarified that while awarding sum of ₹10,000/-, interest to be awarded under Section 171 of the Act, has been considered.

With the above observations, the present appeal is disposed of.

November 20, 2017
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(AVNEESH JHINGAN)
JUDGE

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