

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

FAO-1483-2014

Date of decision: 2.2.2017

Bhagwant Singh

...Appellant

Versus

Kuldeep Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Ms.Amandeep Kaur, Advocate for
Mr.Ashwani Arora, Advocate for the appellant

Mr.Brij Mohan, Advocate for respondent No.2.

Mr.Satpal Dhamija, Advocate for respondent No.3.

SNEH PRASHAR, J.

By way of this appeal, appellant Bhagwant Singh seeks enhancement of compensation awarded to him by learned Motor Accident Claims Tribunal, SAS Nagar (Mohali) (for short 'the Tribunal') vide award dated 10.9.2013 on account of the injuries suffered by him in a motor vehicular accident that took place on 10.5.2010.

The submissions made by Ms.Amandeep Kaur, Advocate representing the appellant, Mr.Brij Mohan, Advocate for respondent No.2 and Mr.Satpal Dhamija, Advocate for respondent No.3- Insurance Company have been considered.

It is submitted on behalf of the appellant that on account of the injuries suffered by him, he sustained disability to the extent of 10%.

Having become disabled he is unable to do his routine work. He remained admitted in Mehndiratta Hospital Ambala City from 10.5.2010 to 21.5.2010 and thereafter was on follow up treatment upto 28.3.2012. He was a student of 8th standard at the relevant time and due to the injuries sustained by him, he suffered loss of study. Submitting that the compensation awarded to the appellant is inadequate, learned counsel prayed for enhancement of the same.

On the other hand, learned counsel representing respondent No.3- Insurance Company submitted that the disability suffered by the appellant has neither caused loss in income nor loss in earning capacity and therefore the appeal deserves to be dismissed.

Perusal of the record reflects that the petitioner suffered injuries in a road side accident that took place on 10.5.2010, caused by respondent No.1- driver of the offending Canter. He remained hospitalised from 10.5.2010 to 21.5.2010 in Mehndiratta Hospital, Ambala City and thereafter took follow up treatment for a considerable long period on account of multiple injuries including two fractures of left leg. He was operated upon twice. Thereafter, for removal of rod and nail, he was again operated. As per Ex.P2, the disability certificate proved on record by Dr.Rakesh Kumar, the appellant suffered 10% disability on account of mild stiffness in left knee joint. Keeping in view the nature and extent of disability, the amount awarded on this account i.e. Rs.12,000/- needs to be increased to Rs.30,000/-.

Perusal of the award shows that no amount was allowed

towards transportation, attendant charges etc. The appellant must have incurred expenses on transportation and attendant during hospitalization and when he was on follow up treatment. The ends of justice would be met, if a sum of Rs.20,000/- is allowed to him on this count.

Accordingly, the enhanced amount of Rs.38,000/- shall be paid to the appellant within two months from the date of the receipt of the certified copy of this judgment, failing which, the same shall carry interest @ 7.5 % per annum from the date of filing of the appeal till its realisation.

In view of the above, the present appeal is partly allowed and the award is modified to the above extent.

2.2.2017
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No