

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

FAO-2488 of 2015 (O&M)
Date of decision: 16.11.2017

Rajiv Kumar

.... Appellant

Versus

Makhan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Chander Pal Tiwana, Advocate
for the appellant.

Mr. Arun Sharma, Advocate for
Mr. T.K.Joshi, Advocate
for respondent No.3.

Avneesh Jhingan, J.

The present appeal has been preferred against the award dated 30.10.2014 passed by Motor Accidents Claims Tribunal, Kaithal (hereinafter referred to as the 'Tribunal').

The present appeal has been filed by Rajiv Kumar as he had suffered multiple injuries in a motor vehicular accident that occurred on 15.12.2012. The appellant was travelling in a vehicle Tata ACE bearing registration No.CH-01TA-3140. He was hit by a Canter bearing registration No.HR-64-5440 (for short, 'the offending vehicle'). As a result of the accident, he suffered multiple injuries and was hospitalised. His treatment record was produced as Ex.P6. The medicines bills were also exhibited.

Keeping in view the injuries and hospitalization, the Tribunal awarded a sum of Rs.37,000/- along with interest @ 9% per annum.

The present appeal has been filed for enhancement of compensation.

There is no dispute on the facts of the case by the parties.

The only grievance raised by learned counsel for the appellant is that the amount awarded by the Tribunal is on the lower side.

Learned counsel for the Insurance Company defended the award and resisted any enhancement.

Taking into consideration the fact that the appellant was hospitalised for almost six days, the accident occurred in Narwana and ultimately he was taken to PGI, Chandigarh, this ensures that there must have been transportation expenses for travelling him to PGI, Chandigarh and thereafter for follow up treatment. The hospitalisation ensures that an attendant must have been required. The Tribunal while awarding the compensation has not taken into consideration the attendant charges. Compensation has to be awarded for attendant especially, taking a view that the amount Rs.5,000/- has been awarded for transportation and nothing has been awarded for attendant.

Keeping in view the circumstances, the amount already awarded Rs.37,000/- by the Tribunal is enhanced to Rs.50,000/-.

Total enhanced amount comes to Rs.13,000/-. It may be mentioned that while awarding the said amount, the interest to be awarded under section 171 of the Act has also been taken into consideration.

In case, the Insurance Company fails to pay the enhanced amount to the claimant within eight weeks from today, the said enhanced amount shall carry interest at the rate of 9% per annum from the date of filing of the petition till its realisation.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

16.11.2017

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1. Whether the order is speaking/reasoned: Yes

2. Whether the order is reportable : No