

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

FAO-5040 of 2013 (O&M)
Date of decision: 20.11.2017

Balbir

.... Appellant

Versus

ICICI Lombard Insurance Company Ltd. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Ravinder Malik, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
for respondent No.1.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 04.04.2013 passed by Motor Accidents Claims Tribunal, Panipat (hereinafter referred to as the 'Tribunal') in MACT Case No. 76 of 2012.

The present appeal has been filed for enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') in case of injuries suffered by Balbir.

On the ill-fated day of 23.04.2010, there was a motor vehicular accident involving an auto rickshaw bearing registration No. HR-67A-0242 and a truck bearing registration No. HR-42D-7897 (for short, 'the offending vehicle'). As a result of the accident, the appellant along with seven other persons suffered injuries and three ladies lost their lives. FIR No.133 dated

23.04.2010 was registered at Police Station Ganaur.

The Tribunal after considering the material produced before it, awarded a sum of Rs.5,000/- along with interest @ 6% per annum.

There is no dispute raised by the parties with regard to the involvement and rash and negligent driving of the offending vehicle.

Learned counsel for the appellant has argued that Balbir suffered injuries. He was running a milk diary and used to do the labour work. He further contended that the injuries were proved from the MLR. He further contended that Dr. Som Nath Bajaj has appeared as PW15 to prove the treatment.

Learned counsel for the Insurance Company has argued that there was no permanent or temporary disability. Even the witness produced could not give the detail of the treatment. In such circumstances, no further enhancement is called for.

The Tribunal while awarding the compensation has only awarded Rs.5,000/- for pain and suffering. The Tribunal has not considered that the injured was doing labour work and even for minor injuries, his day to day working was effected and some medication must have been required even for simple injuries.

Keeping in view the facts and circumstances of the case, the amount already awarded by the Tribunal is enhanced by Rs.7500/-.

The claimant shall be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the

realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

20.11.2017

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1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No