

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

FAO-4407-2014 (O&M)  
Date of decision: 05.12.2017

Yaad Ram

.... Appellant

Versus

Ammu Khan and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr.Ashish Gupta, Advocate and  
Mr. Barjinder Singh, Advocate  
for the appellant.

None for respondents No.1 and 2 inspite of service.

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

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**Avneesh Jhingan, J.**

The present appeal has been filed against the award dated 30.11.2013 passed by Motor Accidents Claims Tribunal, Nuh at Mewat (hereinafter referred to as the 'Tribunal').

Yaad Ram, aged 40 years, suffered injuries in a motor vehicular accident that occurred on 24.09.2011. He was going on his motorcycle bearing registration No.HR-28C-7397. The said motorcycle was hit by rashly and negligently driven tractor bearing registration No.HR-28A-9853 (for short, 'the offending vehicle'). As a result of the accident, the appellant suffered injuries and got fracture of upper end of tibia and lower end of femur. He was taken to CHC Punhana where his MLR was conducted. FIR

No.365 dated 25.09.2011 was registered at Police Station Punhana, District Mewat.

The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed.

The Tribunal awarded a sum of Rs.2,25,000/- but no interest was awarded. The interest was to be paid if the amount was not paid within a specified period.

The present appeal has been filed for enhancement of compensation.

I have heard the learned counsel for the parties and perused the paperbook and record.

Learned counsel for the appellant has only raised three issues. Firstly, the appellant was 40 years of age at the time of the accident, the Tribunal, while awarding compensation for disability, applied multiplier of 14 whereas multiplier of 15 should have been applied. Secondly, no amount has been awarded for the attendant. Thirdly, the Tribunal ought to have awarded interest on the amount awarded and no reasons have been mentioned for not awarding the statutory interest.

No other argument has been raised by learned counsel for the appellant.

Learned counsel for respondent No.3 has defended the award but could not raise any serious objection with regard to applying the multiplier of 15 in view of the table given by the Hon'ble Apex Court in case of *Sarla Verma and others vs. Delhi Transport Corporation and*

**another, 2009(3) R.C.R. (Civil) 77.** He opposed that nothing was proved on record that appellant had employed attendant and hence he resisted the amount to be awarded for attendant. He further argued that the Tribunal has awarded the just and equitable amount and interest was rightly not awarded as the condition was put that the said amount should be paid within a period of 45 days.

In the present case, there is no dispute by the parties with regard to the involvement of the offending vehicle, rash and negligent driving of the offending vehicle and age of the appellant at the time of the accident. There is no challenge to the percentage of disability determined by the Tribunal.

The contention raised by learned counsel for the appellant deserves acceptance. Section 171 of the Act provides for the statutory interest. A perusal of the award will show that the Tribunal has not dealt with the awarding of interest.

The Hon'ble Apex Court in case **Dharampal and others vs. U.P. State Road Transport Corpn. 2008(12) SCC 208** has held as under :-

*“8. As per Section 171 of the Motor Vehicle Act, 1988 (hereinafter referred as 'Act') where the claim for compensation made under the act is allowed by the Claims Tribunal, the tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate from such date not earlier than the date*

*of making claim.”*

In **National Insurance Company Ltd. vs. Keshav Bahadur, reported in 2004(2) RCR (Civil) 99 : (2004) 2 SCC 370** this court has held that the provisions of the Act require payment of interest in addition to compensation already determined. Even though the expression 'may' is used, a duty is laid on the Tribunal to consider the question of interest separately with due regard to the facts and circumstances of the case. It was clearly held in the said decision that the provision of payment of interest is discretionary and is not and cannot be bound by rules.

Interest is compensation for forbearance or detention of money, which ought to have been paid to the claimant. No rate of interest is fixed under Section 171 of the Act and the duty has been bestowed upon the court to determine such rate of interest.

In the above referred decision, the Hon'ble Apex Court has held that the Tribunal while awarding compensation should deal with the awarding of interest separately.

Keeping in view the facts which are not in dispute, the Tribunal assessed the compensation for disability as Rs.6,000/-x14=Rs.84,000/-, the said amount is enhanced by applying multiplier of 15 i.e. Rs.6,000x15=Rs.90,000/-.

The appellant had suffered grievous injuries and was under the treatment for a long period. It is evident from the medical expenses which are almost Rs.1,20,000/- and there was a fracture of leg, in such circumstances, attendant would have been needed even during the treatment

and thereafter also.

Keeping in view the facts of the case, Rs.15,000/- has been awarded for the attendant.

The award dated 30.11.2013 is modified to the extent that the amount awarded by the Tribunal of Rs.2,25,000/- is enhanced to Rs.2,46,000/-.

The claimant would 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**

**05.12.2017**  
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1.Whether the order is speaking/reasoned: Yes/No

2.Whether the order is reportable : Yes/No