

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

**FAO No. 5050 of 2013  
Date of decision:- 03.10.2017**

Master Shivaji Pandey

...Appellant

Versus

Lakhwinder Singh & others

...Respondents

***CORAM: HON'BLE MS. JUSTICE RITU BAHRI***

Present:- Mr. Nitin Narula, Advocate  
for the appellant.

Ms Natasha Munjal, Advocate  
for respondent Nos. 1 and 2.

Mr. Rajnish Malhotra, Advocate  
for respondent No. 3

**RITU BAHRI J. (Oral)**

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 18.04.2013 passed by the learned Motor Accident Claims Tribunal, Ferozepur (for short, 'the Tribunal') to the tune of Rs.66,245/-.

**FACTS NOT IN DISPUTE**

On 16.03.2012, Savita mother of the claimant-appellant was on walk along with claimant to Golden Arrow Canteen on her correct side. At that time, One Durga Parshad was also on walk and was following above named Savita and the appellant. When the claimant and Savita reached near the Gate of Golden Arrow Canteen, a car bearing registration No. PN-02-BL-7173 being driven by respondent No. 1 in a rashly and negligently, directly struck against the appellant, as a result of which the claimant-appellant sustained multiple injuries on his head and on various parts of the

body. The driver of the offending car fled from the spot . The claimant was taken to Amar Hospital from where he was referred to Sobti Neuro and Super Specialty Hospital,Ludhinaa due to his serious condition where he remained admitted w.e.f 16.03.2012 to 30.03.2012. F.I.R was also registered on the same day.

***COMPENSATION ASSESSED BY MACT***

|                                  |                           |
|----------------------------------|---------------------------|
| On account of Medical Treatment  | Rs.48,245                 |
| Transportation                   | Rs.3000/-                 |
| Pain and suffering               | Rs.10,000/-               |
| Special diet                     | Rs.5000/-                 |
| <b><i>Total compensation</i></b> | <b><i>Rs. 66245/-</i></b> |

The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced.

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is re-assessed as under:-

|                                     |                                          |
|-------------------------------------|------------------------------------------|
| On account of Medical Treatment     | Rs.48,245/-                              |
| Transportation                      | Rs.20,000/-                              |
| Pain and suffering                  | Rs.20,000/-                              |
| Special Diet                        | Rs.10,000/-                              |
| Attendant Charges                   | Rs.20,000/-                              |
| Total compensation                  | Rs.1,18,245/-                            |
| <b><i>Enhanced compensation</i></b> | <b><i>1,18,245-66,245=Rs.52000/-</i></b> |

The enhanced amount of compensation of Rs.52,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition,

till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of *Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539*. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

03.10.2017  
G Arora

( *RITU BAHRI* )  
*JUDGE*

|                                  |            |
|----------------------------------|------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>No</i>  |