

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

**FAO No. 574 of 2013**

Date of decision:- January 10, 2017

**SACHIN MAHINDERA**

**....APPELLANT..**

**VS.**

**MAHESH KUMAR AND OTHERS**

**....RESPONDENTS..**

**CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH**

Present:- Mr. B. P. Singh, Advocate,  
for the appellant.

Mr. R.K. Bashamboo, Advocate,  
for respondent No.3.

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**JASPAL SINGH, J.**

Dissatisfied with the compensation awarded on account of the injuries sustained by the appellant in a vehicular accident occurred on 08.06.2010 at about 00:30 a.m., he has preferred the instant appeal for enhancement thereof.

2. Undisputably, the appellant was granted compensation on the basis of medical bills to the tune of ₹3,62,000/- and a sum of ₹10,000/- was awarded on account of pain and suffering, special diet and for arranging attendants etc. totalling ₹3,72,000/-. The insurance company-respondent No.3 was made liable to pay the entire amount of compensation.

3. At the very outset of the arguments, it has emerged that only a sum of ₹10,000/- has been awarded on account of pain and suffering, special diet and for arranging attendants and nothing has been awarded on

account of hospitalization, which is around 19 days as well as on the account of remaining out of job during the said period. Even after discharge from hospital, claimant may not be able to attend his job for so many days. Thus, the compensation so awarded, cannot be termed to be just and adequate. It being on lower side, the compensation so awarded, deserves to be enhanced.

4. This Court is of the considered view that it would be just and proper, in case, the appellant is granted compensation on account of hospitalization to the extent of ₹20,000/-, on account of remaining out of job ₹20,000/- and ₹20,000/- on account of pain and suffering, special diet etc. Thus, the claimant deserves the enhancement of ₹60,000/- in *toto*. In addition to the amount of ₹3,72,000/- already awarded by the Id. Tribunal.

5. In the light of what has been discussed above, the instant appeal is accepted and impugned award dated 03.04.2012 passed by Id. Tribunal is modified. Compensation awarded by the Tribunal is enhanced to the tune of ₹60,000/- (in addition to the compensation already awarded by the Tribunal). The amount so enhanced shall be paid by respondent No.3- Insurance Company within a period of 45 days and on its failure to make the payment within stipulated period, it would entail interest @ 6% per annum from the date of institution of the claim petition before the Tribunal.

January 10, 2017  
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(JASPAL SINGH)  
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No