

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-5265-2014 (O&M)
Date of Decision:- 19.07.2017

Bal Singh

.....Appellant

Versus

Ramesh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Agnihotri, Advocate, for the appellant.

Mr. S.S. Momi, Advocate, for respondent No.1.

Mr. Ashok K. Sharma, Advocate, for respondent No.2.

Mr. Sanjeev Goyal, Advocate, for respondent No.3.

RITU BAHRI, J. (Oral)

CM-14821-CII-2014

Heard.

For the reasons mentioned therein, the application is allowed. Delay of 170 days in filing the appeal is condoned.

FAO-5265-2014

Appellant-claimant is in appeal against the award dated 19.07.2013, passed by the Motor Accidents Claims Tribunal, Karnal, (hereinafter to be referred as 'The Tribunal'), whereby 'The Tribunal' awarded the compensation of ₹25,000/- on account of injuries having been sustained by appellant in motor vehicle accident.

Relevant facts for the purpose decision of appeal that on 25.08.2010, the injured-claimant along with his brother Surender alias Sinder Singh was coming to their house from the fields in a cart (Jhota Buggi) loaded with animal feed (turi) and when they reached near the house of Taranjit Singh, in the meantime, a truck bearing registration No.HR-37C-2067, which was being driven in rash and negligent manner and struck against his cart from behind. Resultantly, the appellant sustained injuries and he was taken to Hospital, where he remained admitted from 25.08.2010 to 03.09.2010. The matter was reported to the police and the claim petition filed before 'The Tribunal'.

Respondents contested the claim petition on all accounts. 'The Tribunal' considered the material and evidence available on file, awarded compensation to the tune of ₹25,000/-. Being dissatisfied with the awarded amount of compensation, the appellant is in appeal before this Court.

Learned counsel for the respondent No.3-Insurance Company submits that the appellant was not holding a valid and effective driving licence at the time of accident. 'So, the appeal is without any merit and the same be dismissed.

After hearing the learned counsel for the parties, going through the record, this Court is of the considered view that the appellant has been awarded compensation on account of pain and suffering, special diet, transportation charges etc. However, 'The Tribunal' has not awarded sufficient amount on account of pain and suffering, transportation charges, loss of income despite the fact that the appellant had remained

admitted in hospital from 25.08.2010 to 03.09.2010. Such accident resulted into lot of pain and sufferings for the injured as well as his family members, who must had been attending to him.

Accordingly, in all, the amount of compensation is hereby enhanced by ₹15,000/-. The total amount of compensation of ₹40,000/- (₹25,000/- + ₹15,000/-) shall be payable from the date of claim petition along with interest @ 7.5% per annum. However, the remaining conditions regarding payment of interest and disbursal of amount shall remain unaltered.

Resultantly, the present appeal is allowed partly.

July 19, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No