

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

FAO-5635-2014 (O&M)
Date of decision: 11.10.2017

Pritam Singh

.... Appellant

Versus

Jagjeet Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Sandeep Goyat, Advocate
for the appellant.

Mr.Ram Kumar Saini, Advocate
for respondents No.1 and 2.

Mr. Amit Kundra, Advocate
for respondent No.3.

Avneesh Jhingan, J.

The present appeal has been preferred against the award dated 12.12.2013 passed by Motor Accidents Claims Tribunal, Hisar (hereinafter referred to as the 'Tribunal').

On 12.02.2012, Pritam Singh, Head Constable in Haryana Police, was going on his Honda Activa, when he reached near Jindal Park T point, Auto Market, Hisar, he was struck by a rashly and negligently driven Maruti Zen car bearing registration No.HR-24G-0945 (for short, 'the offending vehicle'). As a result of the accident, he suffered various injuries.

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

The Tribunal after considering the witnesses and evidence,

awarded a sum of Rs.1,90,000/- along with interest @ 7.5% per annum.

Aggrieved of the said order, 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 with their able assistance.

Learned counsel for the appellant has argued that the amounts awarded under the various heads are on the lower side and should be enhanced. He further argued that because of injuries suffered, he has lost amenities of life and he has not been compensated for that by the Tribunal.

Learned counsel for the respondents vehemently supported the award and argued that it has not been established that what were the type of injuries and how these injuries have effected the working and day to day life of the appellant.

The contention raised by learned counsel for the appellant deserves acceptance to the extent that the amount awarded by the Tribunal needs to be enhanced.

The appellant produced disability certificate Ex.P37 which was supported by PW6-Dr.M.K.Garg, Medical Officer, General Hospital, Hisar. PW1-Dr.B.L.Bagri and PW2- Dr.Sumit Bhatia had appeared and given the details of the injuries suffered by the appellant.

Keeping in view the injuries and the fact that the injured was 42 years of age, the amount awarded by the Tribunal is enhanced. There are no pleadings in the appeal with regard to the effect of the injuries on the service of the injured and effect on his day to day life. In such

circumstances, the Court has to rely upon some guess work for enhancement of compensation.

Keeping in view the facts and circumstances of the case, it is deemed appropriate that as lumpsum Rs.50,000/- is awarded as enhancement to the appellant.

The award dated 12.12.2013 is modified to the extent that the amount awarded by the Tribunal of Rs.1,90,000/- is enhanced to Rs.2,40,000/-.

The appellant 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

11.10.2017
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1.Whether the order is speaking/reasoned: Yes

2.Whether the order is reportable : No