

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

F.A.O No. 3923 of 2016

Date of decision:- 24.11.2017

Vikas Kumar

...Appellant

Versus

Sukhwinder Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Deepak Sharma, Advocate
for the appellant

Ms Anamika Mehra, Advocate for the Insurance Company

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimant-appellant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, S.A.S. Nagar, Mohali (for short, 'the Tribunal') to the tune of Rs.1,32,500/-, vide impugned award dated 22.01.2016.

2. On 07.01.2012, the claimant-appellant was going to his house after completing his duty at Chandigarh on his motorcycle bearing No. PB65-Q-3310. When he crossed the bus stand of village Mullanpur, then respondent No.1 came from opposite side while driving Bolero vehicle bearing registration No. HP12-C-8127 in a rash and negligent manner and struck the same against the motorcycle of the claimant and a result of which he fell down and received grievous injuries. The claimant was shifted to PGI Chandigarh by Kulwant Singh.

COMPENSATION ASSESSED BY MACT

On account of Medical Treatment

Rs.1,08,522

Loss of income for 12 days	Rs.3876/-
Loss of enjoyment	Rs.10000/-
Harassment-Pain and sufferings	Rs.10,000/-
Total compensation	Rs.1,32,398/-
	<i>rounded of to Rs.1,32,500/-</i>

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. Learned counsel submits that nothing has been awarded under the head 'special diet', 'attendant charges'.

Learned counsel has further referred to statement of Dr. Prateek Behra from Ortho Department of Orthopaedic, Chandigarh who stated that the appellant remained admitted in PGI for 07.01.2012 to 19.01.2012 and was treated for two fractures, one is for fracture of shaft of femur on left side and second fracture on both bones of right side.

Learned counsel for the appellant has further referred to statement of Dr. Sakun Kumar Garg, P.W.4 who stated that he charged Rs.400/- per home visit from the appellant i.e per day for the period 26.01.2012 to 06.04.2012 to his house. Thereafter, he has done home visit from 02.05.2012 to 20.05.2012.

This fact is not being disputed by the learned counsel appearing for the Insurance Company

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.1,08,522
Loss of income for six months	Rs.60,000/-

Harassment-Pain and sufferings Attendant, Special Diet	Rs.50,000/-
---	-------------

Total compensation	Rs.2,18,522/-
---------------------------	----------------------

Enhanced compensation	2,18,522-1,32,500=Rs.86022/- rounded of to Rs.86000/-
------------------------------	--

The enhanced amount of compensation of Rs.86,000/- 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.

24.11.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No