

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 5746 of 2015 (O&M)

Date of Decision:30.10.2017

Sunil Kumar

.....Appellant

Versus

Ashish Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Amandeep Kaur, Advocate for
Mr.Ashwani Arora, Advocate
for the appellant.

Mr. B.R. Madan, Advocate
for respondent No.3- Insurance Company.

AVNEESH JHINGAN, J.

The only issue involved in the present appeal is for enhancement of compensation of Rs.36,600/- awarded by the Motor Accidents Claims Tribunal, Rupnagar (for short 'the Tribunal'), along with interest at the rate of 9% per annum.

Sunil Kumar, aged 43 years, suffered fracture of both bones of left leg in a motor vehicular accident involving the car bearing registration No.PB-10-X-1516. He was hospitalized for 16 days and was operated upon on his left leg. The medical bills as claimed were reimbursed by the Tribunal. There is no dispute on the said issue. The only dispute is that for pain and suffering Rs.10,000/- has been awarded and for special diet; transportation and attendant, only Rs.5000/- has been awarded which, according to counsel for the appellant, is on the lower side.

Learned counsel for the Insurance Company defended the award and resisted any enhancement on the ground that there is no disability.

Keeping in view the fact that the appellant was hospitalized for almost 16-17 days and the injured was operated upon, in such circumstance, the transportation and attendant, both the heads need to be duly considered, as these would be required not only during the period of hospitalization but thereafter also.

Hon'ble the Apex Court in *G. Ravindranath @ R. Chowdary Versus E. Srinivas and another*, 2013(12)SCC 455, has held that in case of non-fatal accident, both pecuniary and non-pecuniary damages should be compensated.

Keeping in view the above decision and the facts and circumstances of the present case, the present appeal is partly allowed and a sum of Rs.30,000/- more is awarded, over and above the amount already awarded by the Tribunal.

The claimant shall be entitled to enhanced amount alongwith interest at the rate of 6 % from the date of filing of the claim petition till its realization.

30.10.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No