

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

FAO-7607 of 2014 (O&M)
Date of decision: 09.11.2017

Balram

.... Appellant

Versus

Manohar Lal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.J.P.Sharma, Advocate
for the appellant.

Mr. Lalit Kumar, Advocate with
Mr. Ashwani Talwar, Advocate
for respondent No.3.

Avneesh Jhingan, J.

CM-20308-CII-2014

Application under Section 5 of the Limitation Act has been
filed for condonation of delay of 28 days in filing the appeal.

For the reasons mentioned in the application, which is duly
supported by an affidavit, the delay is condoned and the application stands
disposed of accordingly.

FAO-7607 of 2014

The present appeal has been preferred against the award dated
24.03.2014 passed by Motor Accidents Claims Tribunal, Karnal (hereinafter
referred to as the 'Tribunal').

Balram, aged 28 years met with a motor vehicular accident that

occurred on 27.04.2009. He was going on his motorcycle bearing registration No.HR-05/R:9503. He was hit by a car bearing bearing registration No.HR-06-Q-1609 (for short, 'the offending vehicle'). He sustained multiple injuries including fracture on his right leg. FIR No.389 dated 30.04.2009 was registered at Police Station, City, Panipat.

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 produced, awarded a sum of Rs.73,803/- along with interest @ 9% per annum.

Aggrieved of the said order, the present appeal has been filed.

I have heard the learned counsel for the parties and perused the paperbook.

Learned counsel for the appellant has argued that while considering the medical expenses, the hospital bills was not considered. He further argued that multiplier method was not applied for awarding compensation for 15% permanent disability qua the limb. He further stated that the amounts awarded under the various head is on the lower side as the appellant was operated upon and the rod was inserted in his leg and he remained hospitalised in seven days. There was a follow up treatment also.

Learned counsel for the respondent resisted any enhancement and argued that it has not been proved that what was the effect of permanent disability on his occupation.

At this stage, learned counsel for the appellant had stated that if lumpsum amount of Rs.50,000/-more are awarded, the appellant does not

press his claim petition.

The offer made by the appellant appears to be very fair.

The Tribunal while awarding the compensation has taken half of disability i.e.7.5% and thereafter applied multiplier and awarded compensation on account of disability at the rate of Rs.2,000/- for every percent of disability. On the other hand, the medical bills were allowed but the hospital bills were not considered. The nature of injuries and the operation thereafter shows that transportation, attendant etc. were required thereafter also.

Keeping in view the circumstances, the amount already awarded by the Tribunal is enhanced to Rs.50,000/-. It may be mentioned that while awarding the said amount, the interest awarded under section 171 of the Act has also been taken into consideration.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

09.11.2017

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1.Whether the order is speaking/reasoned: Yes/No

2.Whether the order is reportable : Yes/No