

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

FAO No. 8225 of 2014

Date of Decision:-02.2.2017

Prabhu Dayal

...Appellant

Versus

Rijwan and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Mohan Singh Rana, Advocate
for the appellant.

Mr. Punit Jain, Advocate
for respondent No.3-Insurance Company.

HARI PAL VERMA J.(Oral)

The claimant/injured has filed the present appeal seeking enhancement of compensation. Vide award dated 11.4.2014, learned Motor Accident Claims Tribunal, Palwal has awarded compensation of Rs.1,26,701/- to the appellant, which is detailed as under :-

Sr. No.	Head under which the amount awarded	Amount (in Rs.)
1	Compensation on account of treatment expenses	1,08,701/-
2	Compensation on account of pain and suffering	10,000/-
3	Compensation on account of transportation	5,000/-
4	Compensation on account of diet	3,000/-

Sr. No.	Head under which the amount awarded	Amount (in Rs.)
	TOTAL	1,26,701/-

Learned counsel for the appellant has argued that the appellant/injured has sustained injuries on his right leg below knee, beside other injuries on his person and he was operated for the injury of his leg in Rescue Hospital India Private Limited, Dwarka, New Delhi, where he remained admitted twice. He submits that the compensation awarded by the Tribunal was not adequate as only Rs.10,000/- has been granted as compensation on account of pain and suffering. Similarly, compensation on account of special diet is also very less i.e. Rs.3000/-.

On the other hand, learned counsel for the respondent-Insurance Company has stated that considering the nature of injuries, the claimant has adequately been compensated.

I have heard learned counsel for the parties.

The record reveals the injuries suffered by the appellant/claimant were serious in nature. The claimant was required to be admitted in the hospitals at two different occasions. The treatment was taken from a private hospital, therefore, it can be presumed that the claimant must have incurred substantial expenses. Without making any alteration in the head of compensation on account of treatment and expenses, this Court finds that the award of compensation on account of pain and suffering and on special diet is very less.

Accordingly, keeping in view the nature of injuries suffered by the appellant/claimant, the compensation on account of pain and suffering is

increased by Rs.20,000/-, meaning thereby that total compensation under this head would be Rs.30,000/- (10,000/- + 20,000/-). Similarly, compensation on account of special diet i.e. Rs.3000/- is also on lesser side. This amount is increased to Rs.10,000/- (3,000/- + 7,000/-).

With the aforesaid modification i.e. Rs.20,000/- addition in the head of compensation on account of pain and suffering and Rs.7,000/- addition on account of special diet, the present appeal is disposed of.

February 02, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No