

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

**FAO No.5774 of 2016 (O&M)
Date of decision: 21.11.2017**

Jodh Singh

....Appellant

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Kamaljeet S. Mamrat, Advocate,
for the appellant.

Mr. Ashok Kumar Singla, DAG, Punjab.

RITU BAHRI J. (Oral)

CM No.19862-CII of 2016

For the reasons mentioned in the application, same is allowed
and delay of 190 days in filing of the appeal is condoned.

FAO No.5774 of 2016

This appeal has been filed by the claimant-appellant seeking
enhancement of compensation awarded by Motor Accident Claims Tribunal,
Chandigarh (hereinafter referred to as 'the Tribunal') vide award dated
03.09.2015, on account of injuries received by him in a motor vehicular
accident which took place on 11.10.2009.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 11.10.2009, claimant-
appellant was working conductor in Bus No. PB-12-H-3832. The said bus
was being driven by Jagjit Singh (driver) in a rash and negligent manner.

Due to rash and negligent driving of the bus, the accident had taken place and the bus struck against the truck-trolla. As a result of which accident, driver of the bus died. After the accident, claimant-appellant was taken to Civil Hospital, Dhanola, from where he was referred to Government Medical College & Hospital, Sector 32, Chandighr. Left leg of the claimant was operated and a rod was inserted therein. He received treatment from 11.10.2009 to 10.04.2014. As per claimant, he remained without pay during the said period and had spent a sum of Rs.1,50,000/- on his treatment. With regard to the accident, FIR No.109 was registered at Police Station, Dhanola, District Barnala against the driver of offending bus. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of rash and negligent driving of bus bearing registration No. PB-12-H-3832 by its driver and thus, returned the finding on issue no.1 in favour of the claimant. This finding was rightly given on the basis of deposition of Jodh Singh-claimant (PW-1). Ultimately, the claim petition was accepted by the Tribunal and compensation was awarded as under:-

Sr. No.	Heads	Amount (Rs.)
1.	Transportation charges	Rs.10,000/-
2.	Compensation for engaging an attendant	Rs.10,000/-
3.	Compensation for special diet	Rs.10,000/-
4.	Pain and sufferings and loss of enjoyment	Rs.10,000/-
5.	Compensation for permanent disability	Rs.50,000/-
6.	Medical bills	Rs.15,435/-

7.	Compensation for loss of income	Rs.26,000/-
8.	Compensation for loss of cash and machine	Rs.10,450/-
	Total	Rs.1,41,885/-

Hence, the claimant was found entitled to a total compensation of Rs.1,41,885/- along with interest at the rate of 7.5% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

REASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved.

The claimant-appellant is seeking enhancement of compensation on account of permanent disability. As per disability certificate, the appellant had suffered 10% disability in the accident in question, which is permanent in nature. Keeping in view that the claimant was working as conductor with Haryana Roadways on ad hoc basis, 10% disability did not affect his earning capacity. However, keeping in view the peculiar circumstances, in which the injured-claimant had been put, the compensation is required to be enhanced. Hence, the compensation is hereby re-assessed as under:-

Sr. No.	HEADS	AMOUNT (In Rs.)
(i)	Transportation charges	Rs.15,000/-
(ii)	Compensation for engaging an attendant	Rs.15,000/-
(iii)	Compensation for special diet	Rs.15,000/-
(iv)	Pain and sufferings and loss of enjoyment	Rs.20,000/-
(v)	Compensation for permanent disability	Rs.50,000/-
(vi)	Medical bills	Rs.15,435/-
(vii)	Compensation for loss of income	Rs.26,000/-

(viii)	Compensation for loss of cash and machine	Rs.10,450/-
((ix)	TOTAL COMPENSATION AWARDED	Rs.1,66,885/-
(x)	Enhanced amount of compensation	Rs.1,66,885 – 1,41,885 = Rs.25,000/-

The enhanced amount of compensation of **Rs.25,000/-** shall be payable within a period of two months 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 the 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.

(RITU BAHRI)
JUDGE

21.11.2017
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No