

FAO No. 671 of 2016 (O&M)

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

FAO No. 671 of 2016 (O&M)

Date of Decision:13.10.2017

Naresh Nath

.....Appellant

Versus

Kuldeep and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

**Present: Mr. Raman Chawla, Advocate
for the appellant.**

**Mr. Lalit Garg, Advocate
for respondent No.3.**

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 13.10.2015 passed by the Motor Accidents Claims Tribunal, Hisar (for short 'the Tribunal').

The brief facts necessary for adjudication of the present appeal are as under:

Naresh Nath suffered multiple injuries in abdomen on 20.2.2014 in a motor vehicular accident. He was going from Jhumpa Dera to Hisar in Bolero bearing registration No. HR-20-Y-0478. The said Bolero was struck by TATA LPT 1613 bearing registration No. HR-39-A-6309.

The claim petition under Section 166 of the Motor Vehicles Act (for short 'the Act') was filed claiming compensation for injuries suffered by the claimant.

The Tribunal awarded an amount of ₹ 3,90,000/- along with

interest at the rate of 7.5% per annum.

In the present case, there is no dispute on the facts of the case by either of the parties.

Learned counsel for the appellant admitted that it has been wrongly mentioned in the award that leg was amputated and he was permanently disabled. The only issue raised in the present appeal is for enhancement of compensation under various heads.

I have heard learned counsel for the parties and perused the paper book.

Learned counsel for the appellant argued that the appellant suffered abdomen injuries which were proved vide MLR Ex.P-63. The said MLR was supported by PW-1 Dr. Lalit Mohan Bansal, who deposed before the Tribunal that the appellant remained hospitalized for 30 days and was operated upon. Learned counsel further submitted that the amount awarded for pain and suffering, special diet, transportation and attendant and loss for enjoyment of life, are on the lower side.

Learned counsel for respondent No.3 argued that no disability was proved on record. The appellant was just hospitalized for 30 days and surgery was done for Exploratory Laparotomy with whipples. Learned counsel also submitted that the medical expenses as claimed by the appellant have already been awarded by the Tribunal and in such circumstances, no enhancement is called for.

A young man of 35 years age suffered injuries in abdomen for which not only hospitalization was required but he was operated upon. Though it has not come on record but even future follow up treatment cannot be ruled out in such case. The accident is of the year 2014.

In view of the pain and suffering, mental agony and trauma

suffered, the amounts awarded by the Tribunal are on the lower side. The Tribunal even while awarding the compensation under various heads has not taken into consideration the inflation rate in the year 2014 and the approach adopted is orthodox. It cannot be disputed that in such circumstance the appellant needed attendant not only during the period of hospitalization but may be thereafter also.

Keeping in view the facts and circumstances of the case and the reasons mentioned above, the amount awarded by Tribunal of Rs. 3,90,000/- is enhanced to Rs.4,90,000/-.

The claimant shall be entitled to enhance amount along with interest at the rate of 6% per annum from the date of filing of the claim petition till its realisation.

13.10.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No