

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

FAO-8001-2015 (O&M)
Date of decision: 22.09.2017

Javed

.... Appellant

Versus

Irshad and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Barjinder Singh, Advocate for
Mr. Ashish Gupta, Advocate
for the appellant.

Mr. Gourav Jain, Advocate
for respondents No.1 and 2.

Ms. Vandana Malhotra, Advocate
for respondent No.3.

Avneesh Jhingan, J.

CM-25203-CII of 2015

This is an application filed for condonation of delay of 443 days
in re-filing the appeal.

For the reasons mentioned in the application, which is duly
supported by an affidavit, the delay is condoned.

The application stands disposed of accordingly.

FAO-8001-2015

The present appeal is filed against the award dated 26.03.2014
passed by Motor Accidents Claims Tribunal, Mewat (hereinafter referred to as
the 'Tribunal').

Javed who was the cleaner/conductor of truck bearing registration

No.HR-55M-9484 suffered injuries when another truck bearing registration No.MH-31-CB-8361 hit him. The accident occurred on 03.05.2011. He was shifted to Medical College and Hospital, Nagpur where MLC No.9129 dated 03.05.2011 was prepared and he remained admitted till 09.05.2011. He suffered 25% disability on account of compound grade III(b) fracture both bones left leg with moderate restriction of movement at left knee and left ankle with muscle wasting left leg. His discharge summary was produced as ExPW3/A. Dr. Farukh, Medical Officer, General Hospital, Mandikhera also deposed before the Tribunal and disability certificate was produced as Ex.P1.

The Tribunal after considering the witnesses and evidence, awarded a sum of Rs.1,51,000/-. The breakup is Rs.50,000/- on account of disability suffered by him. Rs.15,000/- was awarded for on account of pain and suffering. Rs.10,000/- was awarded for rich and healthy diet and transportation and Rs.76,000/- were given on account of expenditure of amount on treatment for which bills were produced.

The facts are not disputed by either of the party.

The only issue raised in the present appeal is that the amount awarded Rs.1,51,000/-should be enhanced.

I have heard the learned counsel for the parties and have perused the paperbook with their able assistance.

Learned counsel for the appellant has argued that the amount awarded for pain and suffering, special diet and transportation is on the lower side and nothing has been awarded for the attendant.

Learned counsel for the respondent argued that he was working as cleaner of the truck and had only suffered the fracture of his leg hence the

amount awarded by the Tribunal deserves no interference.

The contention of the learned counsel for appellant deserves acceptance. A young boy, aged 22 years, suffered injuries resulting in 25% permanent disability. He was hospitalised away from his home for almost for 6 days. The injury suffered was such that there had to be follow up treatment. It is not disputed that the attendant was required at least in the hospital if not thereafter.

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 injury pecuniary or non-pecuniary losses should be compensated.

Keeping in view the facts and circumstances of the case, the amount awarded by the Tribunal of Rs.1,51,000/- is enhanced to Rs.2 lakhs. The claimant shall be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed and is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

22.09.2017

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Note:

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