

FAO-1046-2017 and other connected case

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

1. FAO-1046-2017 (O&M)
Decided on: 14.12.2017

Rajesh Kumar

... Appellant

Versus

Nirmal Singh and another

..... Respondents

2. FAO-2152-2017 (O&M)
Decided on: 14.12.2017

Jai Ram

.... Appellant

Versus

Nirmal Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishwajit Bedi, Advocate,
for the appellant(s).

Mr. Gopal Mittal, Advocate,
for respondent No.2-Insurance Company.

AVNEESH JHINGAN, J (ORAL)

The present appeals have been filed against two separate awards dated 29.03.2016 passed by Motor Accidents Claims Tribunal, Ludhiana (for short 'Tribunal').

In a motor vehicular accident that occurred on 19.05.2015 involving truck bearing registration No. PB-10-AJ-9495 and truck bearing registration No. PB-05V-9975 (for short 'offending vehicle'), Rajesh Kumar aged 30 years and Jai Ram aged 45 years suffered injuries and they were hospitalized. FIR No.47 dated 20.05.2015 was registered at police station Koom Kalan, Ludhiana.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'), the Tribunal after appreciating the

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facts and evidence brought on record awarded ₹1,37,500/- to Rajesh Kumar alongwith interest @ 8% per annum. The amount awarded included medical expenses and ₹10,000/- for pain and suffering.

In case of Jai Ram, the Tribunal awarded a sum of ₹65,500/- alongwith interest @ 8% per annum. The said amount awarded included medical expenses and ₹10,000/- for pain and suffering.

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

Learned counsel for the appellants argued that Rajesh Kumar was hospitalized from 20.05.2015 to 30.05.2015 and he incurred medical expenses of almost ₹1,27,500/-, whereas Jai Ram was admitted in hospital from 20.05.2015 to 03.06.2015 and he had incurred medical expenses of ₹55,000/- approximately. His grievance is that the Tribunal has not awarded any amount for attendant, transportation, special diet etc. He further contended that the amount awarded for pain and suffering is on the lower side.

Learned counsel for the Insurance Company defended the award. He contended that neither there was any temporary disability nor permanent disability. He argued that even nature of injuries was not proved by the claimants and in such circumstances, no further enhancement is called for.

The factum of accident has not been disputed by the parties and it has not been disputed that both Rajesh Kumar and Jai Ram suffered injuries. They were hospitalized for almost 11 days. The medical expenses incurred show that there were multiple injuries or at least grievous injuries.

Though it has not been proved on record that what was the type of injuries and whether these injuries had any effect on their occupation.

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Keeping in view the facts and circumstances of the case, amount of ₹30,000/- more is awarded to Rajesh Kumar and in case of Jai Ram, an amount of ₹20,000/- is awarded to him. The amounts awarded are over and above the amount already awarded by the Tribunal.

It is clarified that while awarding this enhancement, the interest to be awarded under Section 171 of the Act has been taken into consideration.

Appeals are partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

14.12.2017

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No