

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

FAO-1229-2017 (O&M)
Date of decision: 27.11.2017

Mohan Lal

.... Appellant

Versus

Himmat Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms.Puja Chopra, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

Avneesh Jhingan, J.

The present appeal has been filed by Mohan Lal against the award dated 17.02.2016 passed by Motor Accidents Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as the 'Tribunal').

On 26.08.2014, the appellant met with a motor vehicular accident. His motorcycle bearing registration No.PB-11AN-1602 was hit by an offending car bearing registration No.PB-10-BH-0975. As a result of the accident, he sustained grievous injuries. His left leg and hip joint were fractured. He was taken to Sohan Nursing Home, Fatehgarh Sahib, from where he was referred to Rajindra Hospital, Patiala. He remained admitted from 26.08.2014 to 02.09.2014. His left leg was operated upon and steel plate/rods were fitted. FIR No.92 dated 09.09.2014 was registered at Police Station Muleur.

The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed.

The Tribunal, after considering the facts of the case and on

appreciating the material produced before it, awarded a sum of Rs.3,87,000/- along with interest @ 7% per annum.

I have heard the learned counsel for the parties and perused the paperbook.

Learned counsel for the appellant has argued that the appellant remained hospitalised for 7 days and was operated upon his left leg. The Tribunal has awarded Rs.20,000/- for pain and suffering and no amount has been awarded for transportation.

Learned counsel for respondent No.3 defended the award and resisted enhancement. He contended that no permanent or temporary disability was proved on record. Hence, no enhancement is called for.

The appellant was hospitalised for 7 days and his left leg was operated. The fracture of his leg ensures that he would have been requiring transportation during the period of treatment and thereafter also. As there was injury and fracture in the left leg and hip joint, he would not be able to drive the two wheeler.

Keeping in view the totality of the facts and circumstances of the case, the amount already awarded by the Tribunal is enhanced by Rs.25,000/-. It may be mentioned that while awarding the said amount, the interest to be awarded under section 171 of the Act has also been taken into consideration.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

27.11.2017
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1. Whether the order is speaking/reasoned: Yes/No
2. Whether the order is reportable : Yes/No