

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

(215)

**FAO-9846-2014 (O&M)
Decided on: July 04, 2017.**

Lokesh Kumar

.... Appellant

Versus

Kuldeep and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep Kotla, Advocate, for the appellant.

Mr. Naren Pratap Singh, Advocate, for respondents No. 1 & 2.

Mr. Rajbir Singh, Advocate, for
Mr. Sanjeev Goyal, Advocate, for respondent No.3.

M.M.S. BEDI, J (ORAL)

In the interest of justice and in the absence of any opposition from the other side, the delay of 85 days in filing the appeal is condoned. The miscellaneous application is allowed.

Vide impugned order dated 15.05.2014, the Motor Accident Claims Tribunal, Bhiwani awarded compensation of Rs.2,48,359/- in favour of the appellant for the injuries suffered by him in a road accident, which was caused on 27.02.2013 due to rash and negligent driving of car by respondent No.1.

Learned counsel for the appellant has contended that the appellant remained admitted in the hospital for a period of 17 days regarding which PW-2 Partap Singh has been produced with the bed head ticket of the appellant indicating that the appellant was admitted on 28.02.2013 and was discharged on 16.03.2013. Hospital charges of Rs.29,700/- were paid vide receipt Ex. P-23 and the medical bills Ex. P24 to P-71 were proved by him.

Taking into consideration the bills and the admission record in Arora Orthopaedic Hospital, Hisar, the Motor Accident Claims Tribunal, Bhiwani has granted the money for the bills and treatment charges along with cost of transportation, special diet, attendant and loss of income. A sum of Rs.40,000/- has been paid for pain and sufferings.

The only contention of learned counsel for the appellant, is that costs of nails which were inserted and are to be removed, have not been considered.

Learned counsel for the appellant submits that the costs of future treatment is likely to be Rs.40,000/-.

I have considered the said contention and I am of the opinion that compensation of Rs.40,000/- can be paid for future treatment.

Counsel for the appellant has not raised any other arguments.

Taking into consideration the above said circumstances, the compensation is enhanced and a sum of Rs.40,000/- more is ordered to be paid to the appellant as compensation in addition to the amount already awarded. The amount will be payable jointly and severally by the respondents. In case, the amount is not paid within a period of two months, the appellant will be entitled to interest at the rate of 9% per annum with effect from the date of this order.

(M.M.S. BEDI)
JUDGE

July 04, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No