

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

1. FAO-2081-2017 (O&M)
Date of decision: 12.12.2017

Akbar Ahmed Appellant

Versus

Arif Husain and others Respondents

2. FAO-2082-2017 (O&M)

Akhilesh Kumar Goswami Appellant

Versus

Arif Husain and others Respondents

3. FAO-2083-2017 (O&M)

Ravi Shankar Pandey Appellant

Versus

Arif Husain and others Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Sunita, Advocate for
Mr.Virender Rana, Advocate
for the appellant(s).

Mr. Suvir Dewan, Advocate
for respondent No.3.

Avneesh Jhingan, J.

The present appeals have been filed against the award dated
13.12.2016 passed by Motor Accidents Claims Tribunal, Gurgaon
(hereinafter referred to as the 'Tribunal').

There was a motor vehicular accident on 27.06.2014 in which Ravi Shankar, Akbar and Akhilesh suffered injuries. They were travelling in a Maruti Eco bearing registration No.HR-55-PT-9957. The said vehicle was hit by a rashly and negligently driven truck bearing registration No.HR-55-K-0605. FIR No.182 dated 27.06.2014 was registered at Police Station Sector 18, Gurgaon.

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

The Tribunal awarded a sum of Rs.27,000/-to Akbar Ahmad, Rs.20,000/-to Ravi Shankar and Rs.15,000/- to Akhilesh along with interest @ 9% per annum.

The present appeals have been filed for enhancement of compensation.

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

Learned counsel for the appellants has argued that the amounts awarded are on the lower side. Her grievance is that the Tribunal has not considered the various pecuniary and non-pecuniary heads while awarding the compensation. She argued that the injured were employed in catering business and because of the injury they could not perform their duties and suffered loss of wages.

Learned counsel for the Insurance Company has argued that there was no permanent or temporary disability. He resisted any further enhancement.

In the facts and circumstances of the case, the injured are the persons belonging to the strata of society which make their both ends meet by their daily earnings. In such circumstances, even the simple injury would have kept them out of their occupation at least for some days.

Keeping in view facts and circumstances of the case, it is deemed appropriate that the amounts awarded to the appellants are enhanced by Rs.10,000/-each. It is clarified that the amount enhanced has been arrived at after considering the interest to be awarded under section 171 of the Act.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

12.12.2017

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

2. Whether the order is reportable : Yes/No