

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

F.A.O No. 4525 of 2017 (O&M)

Date of Decision:- 27.11.2017

Amlesh Kumar

.... Appellant

Versus

Than Singh & Ors.

.... Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Ashok Kaushik, Advocate, for the appellant.

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

AVNEESH JHINGAN, J. (Oral)

The present appeal is against award dated 21.02.2017 passed by the Motor Accident Claims Tribunal, Palwal (for short, 'the Tribunal').

Amlesh Kumar, aged 20 years met with motor vehicular accident that occurred on 13.02.2016. The appellant was standing at the side of the road when a rashly and negligently driven truck bearing registration No. HR-33H-5150 hit him. As a result of the accident he suffered multiple injuries. FIR No. 76, dated 13.02.2016 was registered at Police Station Sadar Palwal.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed. The Tribunal after appreciating the facts and taking into consideration the evidence produced awarded a sum of Rs. 65,150/- along with interest @7.5% per annum.

Aggrieved of the said award, the present appeal has been filed for enhancement of the compensation.

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

Learned counsel for the appellant states that the appellant was treated in two hospitals. He was taken to Park Hospital, Sector -10, Faridabad immediately after accident where MLR dated 13.02.2016 was conducted and thereafter he was admitted in Apex Jai Parkash Narain Apex Trauma Centre, New Delhi. Learned counsel for the appellant further argued that there was a fracture. He argued that there were medical expenses of Rs.50,000/- and hence the amounts awarded under the various heads are on the lower side.

Learned counsel for the insurance company on the other hand defended the award and argued that no disability, permanent or temporary has been proved. She further argued that even the detail of the injuries suffered by the appellant is not given. Hence no enhancement is required.

The contention raised by learned counsel for the appellant deserves partial acceptance though nothing has come on record basing on which the compensation for disability could be worked out, still keeping in view the fact that the appellant was under treatment in two hospitals and suffered a fracture, it is deemed appropriate that the amount awarded of Rs.65,150/- is enhanced to Rs.80,000/-.

The appellant shall be entitled to the enhanced amount along with interest @6% per annum from the date of filing of the claim petition till realisation.

The appeal is partly allowed in the aforesaid terms.

November 27, 2017
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No