

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

Sr. No.450

FAO No.3357 of 2002 (O&M)
DECIDED ON: October 25, 2018

NARESH KUMAR

..APPELLANT

VERSUS

ASHOK KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Bhag Singh, Advocate,
for the appellant.

Mr. Suvir Diwan, Advocate,
for respondent No.3-Insurance Co.

AJAY TEWARI, J. (ORAL)

This is an appeal for enhancement of compensation and for modifying the award dated 28.07.2001 passed by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri granting compensation of Rs.39,500/- along with interest @ 9% per annum in favour of the appellant and against the respondents.

The brief facts of the case are that on 20.02.1999 at about 09.05 PM, the deceased Parveen Kumar and Naresh Kumar was going towards Chhachhrauli, while travelling on scooter bearing registration No.CH-01-B-2895, which was being driven by deceased Parveen Kumar and Naresh

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Kumar was the pillion rider, near Village Balachaur, was hit by a truck bearing No.HRE-9927 from front side, being driven by respondent No.1 in a very rash and negligent manner. As a result of which both the occupants of the scooter sustained multiple injuries on the vital parts of their bodies. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Counsel for the appellant has argued that nothing has been awarded on account of special diet, attendant charges, etc. Counsel for the respondent No.3 is not in a position to deny this. I find this to be indeed so and it is held that Rs.10,500/- has to be awarded under these heads. Rest of the award shall remain same.

Appeal is allowed in the above terms and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

October 25, 2018

Ankur

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No