

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

FAO No.1554 of 2003 (O&M)

Date of decision : 20.09.2018

Jagbir Singh

...Appellant

Versus

Dharam Pal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.R. Hooda, Advocate for the appellant.

Mr. Naveen Singh Panwar, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

Claimant-Injured is in the appeal seeking enhancement of the compensation with respect to accident which took place on 09.05.2001.

The Motor Accidents Claims Tribunal (MACT), Sonapat awarded a sum of ₹30,750/- taking into consideration 10% temporary disability on account of fracture of pelvis, hip bone near pelvis and fracture of left hand.

The Motor Accidents Claims Tribunal awarded ₹750/- towards treatment and ₹30,000/- on account of pain and suffering.

Learned counsel for the appellant pointed out that on account of transportation, ₹19,000/- was spent which has not been awarded by the MACT. No amount has been paid under the heads of attendant charges and loss of income on account of future prospects.

The disability is only 10% temporary. However, on careful perusal of medico legal report, the appellant suffered fracture of pelvis, as also of left arm. Keeping in view that claimant was about 25 years of age,

therefore, the Doctor opined that disability is only temporary.

Keeping in view the aforesaid facts, the compensation payable is re-assessed as :-

- 1. On account of transportation charges ₹10,000/-
- 2. On account of attendant ₹10,000/-

As far as compensation claimed for loss of income, the appellant is awarded ₹15,000/-. This amount shall be in addition to the compensation awarded by the Motor Accident Claims Tribunal which shall carry interest 7.5% p.a. from the date of filing of the claim petition till the payment.

Hence, the compensation is re-worked as under:-

Heads	Awarded by the Tribunal	Awarded by the High Court
Loss of Income	---	₹15,000/-
Medical bills	₹750/-	₹750/-
Pain and suffering	₹30,000/-	₹30,000/-
Transportation	---	₹10,000/-
Attendant	---	₹10,000/-
Total compensation	₹30,750/-	₹65,750/-
(-) already awarded by MACT	---	(-) ₹30750/-
Enhanced compensation	₹65,750/- (-) ₹30,750/- = ₹35,000/-	

The enhanced amount of compensation i.e. ₹35,000/-, shall carry interest at the rate of 7.5% p.a. from the date of filing the claim petition till the payment.

In view of the above, the present appeal stands disposed of.

20.09.2018
Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No