

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

FAO No. 1686 of 1994

Date of decision:- 01.03.2018

Vivek Maini

...Appellant

Versus

Gurchetan Singh & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. G.C. Bedi, Advocate
for the appellant.

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 17.05.1994 passed by the learned Motor Accident Claims Tribunal, Jalandhar (for short, 'the Tribunal') to the tune of Rs.40,000/-.

FACTS NOT IN DISPUTE

On 12.05.1992, appellant along with Satnam Pal after performing their official duties at Phagwara started for Jalandhar on a scooter bearing registration No. PB-09-2224. The scooter was being driven by Satnam Pal while Vivek was sitting as pillion rider. When they reached near Phagwara-Jalandhar GT Road, a jeep bearing registration No. PIL 438 driven by respondent No. 1 came from opposite side while overtaking a Punjab Roadways Bus and hit the scooter, as a result of which the claimant-appellant as well as Satnam Pal fell down on the road and sustained multiple injuries. They were removed to Mangat Hospital where the present appellant was operated upon and he remained in hospital for one week.

The Tribunal awarded only Rs.5000/- towards medical bills,

Rs.5000/- towards special diet, Rs. 10,000/- on account of pain and suffering and Rs.20,000/- for future treatment. Thus, the appellant was awarded total of Rs.40000/- as compensation amount.

The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced, as the appellant had suffered multiple fractures

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is re-assessed as under:-

Medical bills	Rs.5,000/-
Pain and suffering	Rs.10,000/-
Special Diet	Rs.5,000/-
Future treatment	Rs.20,000/-
Loss of Income	Rs.5,000/-
Transportation and attendant charges	Rs.10,000/-
Total compensation	Rs.55,000/-
Enhanced compensation	55,000-40,000=Rs.15000/-

The enhanced amount of compensation of Rs.15,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, in view of the judgment of Hon'ble the Supreme Court in a case of ***Shri Nagar Mal and ors vs. The Oriental Insurance Co. Ltd and others, passed in Civil Appeal No. 448-2018., decided on 19.01.2018.*** The remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

Accordingly, the award stands modified to the above extent and

the present appeal is partly allowed.

01.03.2018
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>