

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

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FAO No.3614 of 1999 (O & M)
Date of Decision:02.07.2018

Vijay Kumar

...Appellant

Versus

Rakesh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate
for the appellant.

Mr. D.P. Gupta, Advocate
for respondent No.3.

ANIL KSHETARPAL, J.(Oral)

Appellant is in the appeal against the award passed by the learned Motor Accident Claims Tribunal. Learned Motor Accident Claims Tribunal has assessed the total amount payable at Rs.27,000/- and on account of contributory negligence, the same has been reduced to the extent of 50%.

Learned counsel for the appellant has submitted that as per the statement of Dr. Ashok Gupta (PW-1), appellant had suffered fracture of upper tibia and he had to remain admitted as an indoor patient for two days. He has further submitted that the learned Motor Accident Claims Tribunal has not awarded any amount on account of transportation charges, although the bills have been produced.

On the other hand, learned counsel for respondent No.3 has

seriously contested the argument of learned counsel for the appellant.

Taking into consideration the fact that the accident took place in the year 1997 and the appellant, who was aged about 52 years at the time of accident had suffered fracture and had produced evidence on file to prove the expenses on the transportation as well as on medicines etc. bills whereof were produced, therefore, the compensation payable to the appellant is enhanced to Rs.27,000/- from Rs.13,500/-. The enhanced amount shall be payable with interest at the rate of 6% per annum.

Disposed of.

02.07.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No