

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

531

FAO-5621-2004 (O&M)

Date of Decision : 13.09.2018

Jasbir Singh

..... Appellant

Versus

Gurdeep Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. K.S.Dhanora, Advocate
for the appellant.

Mr. Puneet Jain, Advocate for
Mr. Rakesh Gupta, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 04.09.2004 passed by the Motor Accident Claims Tribunal, Kurukshetra granting compensation of Rs.15,000/- and interest @ 9 % per annum in favour of the appellants and against the respondent.

The brief facts of the case are that on 11.01.2003 the appellant was returning from Pehowa to his village Satora on motorcycle bearing registration No.HR-41-6912 alongwith his wife Surinder Kaur on the pillion. He was driving the motorcycle at normal speed on left side. At about 5.45 PM when they reached the area of village Jhinwerheri, tractor bearing registration No.HR-41-6234 was going ahead being driven by respondent rashly and negligently. The appellant blew horn for taking side for overtaking the tractor trolley, but the tractor trolley was in

such high speed and rash manner that respondent did not give side to the appellant and dashed the trolley in his motorcycle. Resultantly, the motorcycle fell down on the road and claimant suffered injuries.

The tribunal had awarded Rs.15,000/- but halved it because it had held that there was contributory negligence of 50%. The finding of contributory negligence has not been challenged before me.

Learned counsel for the appellant has however argued that nothing has been awarded on account of special diet, attendant and transportation charges even though serious injuries were proved.

Counsel for the respondent is not in a position to deny that nothing has been awarded for special diet, attendant and transportation charges.

In the circumstances, I deem it appropriate to compute the amount for special diet, attendant and transportation charges at Rs.20,000/-. Ordered accordingly.

Since there is a finding of contributory negligence at 50% the appellant would be entitled to half the amount. He is further entitled to interest @7.5% on the enhanced amount from the date of filing of claim petition till the date of payment.

Appeal stands disposed of.

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

(AJAY TEWARI)
JUDGE

13.09.2018

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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No