

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-719-2004 (O&M)

Date of decision: 19.04.2018

Sat Narain

..... Appellant

Versus

Hawa Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Naveen Thakur, Advocate for
Mr. Surender Deswal, Advocate for the appellant.

Mr. RN Singhal, Advocate
for respondent No. 3-National Insurance Company Ltd.

Mr. RK Bashamboo, Advocate
for respondent No. 3-Oriental Insurance Co. Ltd.

RAMENDRA JAIN, J. (ORAL)

CM-2383-2004

For the reasons mentioned in the application which is supported by an affidavit, the same is allowed and delay of 10 days in filing the instant appeal is condoned.

FAO-719-2004

1. Appellant-claimant through this appeal has prayed for enhancement of compensation by modifying the impugned Award dated 01.10.2003, of the Motor Accident Claims Tribunal, Jind (for short-'the Tribunal), whereby following compensation has been granted to him in his claim petition under Section 166 of the Motor Vehicles Act:-

For permanent disability	₹ 50,000/-
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For loss of future earnings	₹ 50,000/-
Medical expenses	₹ 2700/-
For attendant and special died	₹ 5000/-
Pain and sufferings	₹ 5000/-
Total	₹ 1,12,700/-

2. Learned counsel for the appellant-claimant *inter alia* contends that the learned Tribunal has erred in granting very meager compensation, without considering the hospitalization of the appellant for around 1½ months, during which he was operated for his right femur bone. The learned Tribunal has also erred in granting very less compensation of ₹ 5000/- towards pain and sufferings suffered by the appellant-claimant without considering permanent disability of 20% suffered by him.

3. On the other hand, learned counsel for contesting respondents No. 3 and 6 strongly opposed the above arguments of learned counsel for the appellant.

4. Having given considerable thought to the submissions made by both the parties, this Court is of the considered opinion that learned Tribunal has not awarded just compensation to the appellant towards pain and sufferings.

5. Considering the over all facts and circumstances and fact that appellant, a Military Personnel, remained admitted for around 1½ months in the hospital and had suffered huge pain and sufferings and has suffered permanent disability of 20%, it would be just and fair to award ₹ 50,000/- over and above the amount of ₹ 1,12,700/- already granted by learned Tribunal vide Award dated 01.10.2003, which shall be deposited by respondents No. 3 and 6-Insurance Companies in equal share within two

months from today, before the learned Tribunal below for onward disbursement to the appellant-claimant, against proper receipt and identification, in accordance with law.

6. Disposed of.

April 19, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No