

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**FAO No. 2848 of 2009****Date of Decision: 19.11.2018**

Ashok Kumar

...Appellant

VERSUS

Rakesh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhwnesh Lakhera, Advocate
for Mr. Sanjay Mittal, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
for respondent no. 3.

SURINDER GUPTA, J.(Oral)

This is appealed filed by claimant-Ashok Kumar, who met with an accident with the offending vehicle i.e. Jeep bearing registration no. HR-35-A-3692 on 23.11.2006 and suffered injuries as well as permanent disability to the tune of 18%.

2. Motor Accident Claims Tribunal, Narnaul (later referred to as 'the Tribunal') allowed compensation of ₹2 lakhs, which was calculated as follows:-

Sr. No.	Head	Amount
1.	Loss of income for five months @ ₹4000/- per month as assessed by the Tribunal	(₹4000x5)= ₹20000
2.	Medical expenses, misc. charges, attendant and transportation charges	₹60000
3.	Compensation for permanent disability	₹70000
4.	Compensation for pain and suffering	₹20000
	Total	₹170000

3. Learned counsel for respondent no. 3 has argued that though compensation detailed in the award comes to ₹1,70,000/- but the Tribunal allowed ₹2 lakhs, which is due to wrong calculation.

4. Learned counsel for the appellant, when confronted with aforesaid fact, agreed that the compensation awarded under above heads is ₹1,70,000/-. He has sought enhancement of compensation under the heads of special diet, pain and suffering and loss of amenities of life.

5. It is evident that the Tribunal has allowed compensation of ₹2 lakhs while awarding compensation of ₹1,70,000/- under the head of loss of income, medical expenses etc., permanent disability and pain and suffering. Even if the compensation under the heads for which learned counsel for the appellant has sought enhancement be enhanced by ₹30,000/-, which appears to be a reasonable amount, still total amount of compensation awardable to appellant does not surpass the compensation already allowed.

6. As the Tribunal has already allowed adequate compensation to the appellant, no ground is made out to further enhance the same. This appeal has no merit and the same is dismissed.

November 19, 2018

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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No