

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3493 of 2010
Date of Decision: 27.02.2018

Jorawar Singh

.....Appellant

Vs.

Ankush and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Neeraj Khanna, Advocate for the appellants.

Mr.Vinod Gupta, Advocate, for
respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 21.12.2009, passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') vide which compensation to the tune of Rs.1,08,000/- was awarded to the claimant on account of injury suffered by him.

FACTS NOT IN DISPUTE

On 08.02.2005, at about 5:15 p.m., the claimant was going to his scooter from Bhago Majra (college Wala), Kharar, Distt.Ropar (Punjab) towards Chandigarh. He was driving his scooter at a very slow speed and when he reached near Kila Complex, Kharar Distt. Ropar (Pb.), at that time a Motor Cycle bearing registration No.HP-39A-6147 came from behind and was driven in a very rash and negligent manner and the said motorcycle struck against the scooter from its behind due to which the claimant fell on the road and as a result his right leg was fractured and it was operated and plate was inserted and he also sustained multiple injuries on various parts of the body. He was immediately removed to PGI, Chandigarh. A DDR has been registered with regard to this accident.

COMPENSATION ASSESSED BY MACT

The compensation has been assessed by taking into account of the disability of 43% as per disability certificate Ex.C-3. Factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1.	Permanent disability	Rs.84,000/-
2.	Medical expenses	Rs.24,000/-
	Total	Rs1,08,000/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced.

On the other hand, the learned counsel for the respondent/Insurance Company have vehemently opposed the present appeal.

RE-ASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgments, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1.	Permanent disability	Rs.84,000/-
2.	Medical expenses	Rs.24,000/-
3.	Diet and transportation	Rs.15,000/-
4.	Hospitalization	Rs.15,000/-
5.	Pain and suffering	Rs.10,000/-
	Total	Rs1,48,000/-
	Enhanced amount of compensation	Rs.1,48,000/- --- Rs.1,08,000/-= Rs.40,000/-

Resultantly, the enhanced amount of compensation of Rs.40,000/-

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, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Shri Nagar Mal and Ors Vs. The Oriental Insurance Company Ltd. And ors. in Civil Appeal No.448 of 2018**. Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)
JUDGE

27.02.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No