

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

FAO No. 2622 of 2011

Date of decision:-02.05.2018

Geega Ram

---Appellant.

Versus

Raju Yadav and others

---Respondents.

CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN

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

Mr. Rohit Goswami, Advocate, for
Mr. D. P. Gupta, Advocate,
for respondent No.7-Insurance Company.

AVNEESH JHINGAN J. (Oral)

The present appeal arises from the award dated 23.11.2010 passed by Motor Accident Claims Tribunal, Narnaul (for short 'the Tribunal').

On 23.04.2009, a motor vehicular accident took place, Geega Ram, aged 30 years, was traveling in a jeep bearing registration No.HR-36B-9432 (hereinafter to be referred as 'the offending vehicle'). Jeep was being driven by respondent No.1 in rash and negligent manner as a result it struck against the tractor bearing registration No. RJ-18-RA-1496, Geega Ram suffered injuries.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (in short ' the Act') was filed by the claimant.

The Tribunal held that accident occurred due to rash and negligent driving of the offending vehicle. The Tribunal awarded compensation of Rs.2,00,000/- along with interest at the rate of 7.5% per annum to the

claimant.

The present appeal has been filed for enhancement of compensation.

Respondent Nos. 1 and 2 are the driver and owner of the offending vehicle, respectively. Respondent Nos. 4, 5 and 6 are driver and owners of tractor bearing No.RJ-18-RA-1496 and respondent No.7 is the insurer of the Tractor.

Respondent Nos. 1 and 2 were proceeded ex parte vide order dated 10.05.2012 and vide order dated 25.04.2013, it was held that respondent Nos.3 to 6 are not necessary parties.

Learned Counsel for the appellant argued that there was a permanent disability of 40 per cent suffered by the appellant. Disability certificate was exhibited as PW3/A. The disability certificate was further proved by deposition of PW3 Dr. Dinesh Podar. The disability was on account of compression fracture of L2 vertebra more than 25% with disruption of posterior elements, persistent pain and range of motion of left pronation and supination reduced by 20% with deep complication. The appellant remained hospitalized in Civil Hospital, Narnaul. Thereafter, he was referred to PGIMS, Rohtak from there he was taken to SMS Hospital, Jaipur. The contention is that though appellant is not aggrieved of the quantum awarded for permanent disability but the compensation awarded under various heads is on the lower side. The Tribunal while awarding the compensation, has not considered the fact that injuries suffered are such that it would be needing treatment future also.

Keeping in view the facts and circumstances of the case, it is deemed appropriate that the amount awarded by the Tribunal is enhanced by

Rs. 35,000/-. It is clarified that while awarding lump sum enhanced amount, interest to be awarded under Section 171 of the Act has been taken into consideration.

Accordingly, the present appeal is partly allowed to the above extent.

02.05.2018

Riya Grover

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>