

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 6727 of 2010 (O&M)

Date of Decision: 07.05.2018

S. Tripatpal Singh and another

.....Appellants

Versus

Sh. Manjit Singh and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.S. Bajaj, Advocate
for the appellants.

Mr. Manish Thakur, Advocate for
Mr. Pankaj Bhardwaj, Advocate
for respondent No.1.

AVNEESH JHINGAN, J.(oral)

The present appeal is against the award dated 15.04.2010 passed in
MACT Case No. 33 of 2008 by Motor Accident Claims Tribunal, Jalandhar
(for short 'the Tribunal').

A motor vehicular accident took place on 01.01.2007. Tripatpal
Singh along with his wife Harinder Kaur and minor son Guriqbal Singh were
coming from Patiala in an Indica Car bearing registration No. PB08-AV-3898.
On reaching near village Mauli, Tehsil Phagwara, District Kapurthala, a Ceilo
Car bearing registration No. PB-10-W-0725 (for short 'the offending vehicle')
struck the car of the claimants. As a result of the accident, Guriqbal Singh
suffered lacerated on forehead and scalp and fracture of shaft femur. He was
hospitalized for 20 days.

A claim petition under Section 166 of the Motor Vehicles Act,
1988 (for short 'the Act') was filed for claiming compensation for injuries

suffered by Tripatpal Singh and Guriqbal Singh. The Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle. It was found that the medical expenses were reimbursed to father of Guriqbal Singh. Since there was no permanent disability, an amount of Rs.22,500/- each was awarded for pain and suffering, special diet and attendant along with interest at the rate of 6% per annum.

Details of the injuries suffered by Tripatpal Singh are not on record.

In such circumstance, no case is made out for enhancement in case of Tripatpal Singh (appellant No.1).

The present appeal has been filed for enhancement of compensation. There was no permanent disability, yet a minor had to suffer because of fracture in the shaft femur. He was hospitalized for 20 days.

Keeping in view the facts and circumstances of the case, it is deemed appropriate that an amount of Rs.15,000/- is awarded to Guriqbal Singh (appellant No.2) over and above the amount already awarded by the Tribunal. It is further clarified that while awarding the lump-sum enhancement interest under Section 171 of the Act, has to be taken into consideration.

07.05.2018
reema

(AVNEESH JHINGAN)
JUDGE

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