

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

F.A.O. No. 1468 of 2012 (O&M)

Date of Decision:01.02.2018

Virender

.....Appellant

Versus

Karambir and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rishab Lohan, Advocate for
Mr. R.N. Lohan, Advocate
for the appellant.

Mr. Eklavya Darshi, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.(oral)

The present appeal is against the award dated 01.10.2011 passed by the Motor Accidents Claims Tribunal, Jind (for short 'the Tribunal') in MACT Case No. 8 of 2011.

In a claim petition filed by Virender aged 4 years being minor through his father and natural guardian, under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), the Tribunal awarded a sum of Rs.31,500/- along with interest at the rate of 7% per annum

On 11.11.2010 Nirmal was a pillion rider on a motor cycle bearing registration No.HR-10-K-9243. The motor cycle was being driven by Satyawar. Virender minor son of Satyawar was being taken to the Doctor for treatment on the said motor cycle. A rashly and negligently driven truck bearing registration No.HR-56-2139 (for short 'the offending vehicle') struck the motor cycle, as a result, Nirmal lost her life and Virender suffered injuries.

The present appeal has been filed for enhancement of compensation.

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

There is no dispute raised by the parties with regard to the rash and negligent driving of the offending vehicle, age of the appellant and the fact that there is no permanent or temporary disability suffered.

Learned counsel for the appellant contended that the appellant was hospitalised for six days and thereafter also his treatment remained continued. The appellant underwent reduction and percutaneous pinning of humertis right. He further contended that no amount has been awarded for attendant and the amounts awarded under various heads are on the lower side.

Keeping in view the facts that there was no disability suffered, but the fact remains that a kid had to undergo through all the trauma and was operated upon, the award dated 1.10.2011 is modified to the extent that the amount awarded of Rs.31,500/- is enhanced to Rs.60,000/-. It may be mentioned that while enhancing the amount, the interest to be awarded under Section 171 of the Act, has been taken into consideration.

The appeal is partly allowed in the above said terms.

(AVNEESH JHINGAN)
JUDGE

01.02.2018
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Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No