

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

FAO No.6361 of 2011 (O&M)

Date of Decision: April 04, 2018

Mukesh Kumar

...Appellant

Versus

Bajrang and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Ram Darshan Yadav, Advocate
for the appellant.

Mr.Shubham Goyal, Advocate for
Mr.Vishal Goel, Advocate
for respondent No.3 – Insurer.

HARINDER SINGH SIDHU, J.

This appeal is filed by the injured - claimant for enhancement of compensation, as awarded by the Motor Accident Claims Tribunal, Rewari (for short 'the Tribunal') vide its award dated 22.7.2011.

Brief facts as disclosed in the claim petition are that on 12.1.2010 in the area of Sankai Company, Bawal a vehicular accident took place involving Mahendra Canter No.HR-66-1037 (herein for short 'the offending vehicle'), wherein, the claimant – appellant suffered injuries. The accident was alleged to have been caused due to rash and negligent driving of the offending vehicle. FIR regarding the accident was also registered.

On a claim petition having been filed by the claimant – appellant Mukesh Kumar, the Tribunal awarded compensation of Rs.62,000/- along with interest, payable by the respondent – insurer.

Feeling dissatisfied with the quantum of compensation, the

claimants are before this Court.

It is argued on behalf of the claimant- appellant that after the accident, he remained admitted for five days (12.1.2010 to 16.1.2010) in Shree Krishna Hospital, Rewari. He had spent lot of money on the treatment and has been rendered disabled to the extent of 13% due to the injuries suffered in the accident. It is contended that the compensation awarded by the Tribunal is on lower side.

I have heard Ld. Counsel for the parties and perused the record.

It has come on record that the claimant – appellant remained admitted in Shree Krishna Hospital, Rewari from 12.1.2010 to 16.1.2010 to get treatment of the injuries suffered in the accident. The discharge summary Ex.PW2/8, receipt Ex.PW2/C, and Medical Bills worth Rs.36,319/- Ex.PW2/D to Ex.PW2/1 were proved on record by PW2 Dr.Anil Yadav. PW3 Dr.Ashok Saini proved the disability certificate Ex.PW3/A, which depicts that the appellant has been rendered disabled to the extent of 13%.

Having considered the rival submissions and the evidence, discussed above, the compensation is re-assessed as under:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Loss of Income during treatment	5,000/-
(ii)	Compensation for Disability (13%)	26,000/-
(iii)	Medical expenses	36,319/-
(iv)	For Pain and Suffering	20,000/-
(v)	For loss of future enjoyment of life	50,000/-
(vi)	Special diet	5,000/-
	Total Compensation	Rs.1,42,319/- (rounded off at 1,42,500/-)

Hence, the appeal is allowed. The Award of the Tribunal is modified to the extent that the appellant is held entitled to compensation of Rs.1,42,500/-, that is, Rs.80,500/- (142500-62000) over and above the amount awarded by the Tribunal. Interest shall be paid on the enhanced amount at the rate of 7.5% per annum from the date of filing of claim application till realisation.

April 04, 2018

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No