

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

FAO No.2544 of 2012 (O&M)

Date of decision : 22.01.2018

Prahlad Singh and others

...Appellants

Versus

Sekh Saha Ali and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Vir Yadav, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Legal heirs of the claimant are in appeal seeking enhancement of the compensation.

Ram Sarup, claimant who is since deceased suffered multiple fractures in a motor vehicle accident held on 23.06.2008. Late Sh. Ram Sarup had filed a claim petition claiming compensation to the tune of ₹40,00,000/- alongwith interest at the rate of 18% p.a..

Learned Motor Accident Claims Tribunal after appreciating the evidence available on the file recorded a finding that respondent No.1-driver was rash and negligent in driving the vehicle.

It is the finding of the Tribunal that Late Sh. Ram Sarup remained admitted in two different hospitals from 23.06.2008 to 27.11.2008.

Learned Motor Accident Claims Tribunal, awarded the

following sum:-

“(1) Medical and treatment charges	:	Rs.10,78,866/-
(2) Costs of transportation, special diet Attendant etc.	:	Rs.30,000/-
Total	:	Rs.11,08,866/- ”

The Tribunal did not grant any amount on account of the pain and suffering on the ground that such payment can only be awarded to the claimant. However, the Motor Accident Claims Tribunal did not grant any amount on account of loss of income, future medical expenses.

It is not disputed that the claimant died on 26.05.2010 i.e. after a period of 23 months from the date of accident. It has also come in the evidence that Late Sh. Ram Sarup was owner of approximately 16 kanals of land. He was an agriculturist. Although, the claimants had claimed that he was also running a Karyana shop, however, no evidence was produced. Keeping in view the fact that the appellant-Ram Sarup had suffered multiple fractures and had remained admitted in the hospitals for almost more than the period of five months, therefore, the learned Motor Accident Claims Tribunal clearly erred in not awarding any amount for loss of income and future medical expenses.

Taking into consideration that the claimant died on 26.05.2010, this Court is of the opinion that ends of justice would be met, if the claimant is awarded a sum of ₹50,000/- towards loss of income for a period of five months and ₹1,00,000/- towards future medical expenses.

The total amount of compensation payable shall be ₹12,58,866/-. The enhanced amount of compensation i.e. ₹1,50,000/- shall be payable alongwith interest @ 7.5% p.a. from the date of accident till the

date of realisation.

In view of the above, the appeal is allowed.

22.01.2018
Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**