

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

FAO No. 2688 of 2012

Date of decision:- 14.05.2018

Vinod Kumar

...Appellant

Versus

Sohan Lal & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sansar Kundu, Advocate
for the appellant.

Mr. Rishabh Lohan, Advocate for
Mr. R.N. Lohan, Advocate
for respondent No. 2

Mr. Rohit Goswami, Advocate for
Mr. R.C. Gupta, Advocate
for respondent No. 3

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 28.02.2012 passed by the learned Motor Accident Claims Tribunal, Jind (for short, 'the Tribunal') to the tune of Rs.2,23,000/-.

FACTS NOT IN DISPUTE

On 23.04.2010, claimant was going to his village Budha Khera from Jind on motorcycle bearing registration No. HR-33A-7256. Om Parkash Kumari along with Vishesh met him on Jamni Chowk and they were on their motorcycle. Parmod was coming after him. When the appellant reached near Bus Stand Rajana Kalan, a tanker bearing

registration No. HR-56-1782 driven by respondent No. 1 came from Safidon side and hit the motorcycle of the appellant. The appellant was shifted to General Hospital, Jind from where he was referred to PGIMS, Rohtak.

The Tribunal awarded the compensation to the claimant as mentioned below:-

Medical expenses	Rs.1,43,000/-
Physical pain and mental agony	Rs.10,000/-
Disability	Rs.60000/-
Stay in hospital	Rs. 10,000/-
Total	Rs.2,23,000/-

The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced, as the appellant remained in hospital for more than 20 days. Learned counsel for the appellant further contends that the appellant suffered 30% visual impairment and he was awarded nothing under the head loss of amenities in life.

The parties are not in dispute with respect to finding on issue No. 1 that respondent No. 1 was negligent in driving the offending vehicle, as FIR has been duly registered.

In compliance of order dated 17.04.2018 passed by this Court, CMO, Civil Hospital, Jind has sent the disability certificate of the appellant, which contains 30% disability.

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is re-assessed as under, as the petitioner is working as JBT teacher and nothing has been awarded to him under the head of loss of amenities of life:-

Medical expenses	Rs.1,43,000/-
Physical pain and mental agony	Rs.1,00,000/-
Disability	Rs.60,000/-
Loss of amenities of life	Rs.1,50,000/-
Special Diet, attendant and transportation charges	Rs.20,000/-
Stay in hospital	Rs. 20,000/-
Total	Rs.4,93,000/-
<i>Enhanced compensation</i>	<i>4,93,000-2,23,000=Rs.2,70,000/-</i>

The enhanced amount of compensation of Rs.2,70,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, in view of the judgment of Hon'ble the Supreme Court in a case of ***Shri Nagar Mal and ors vs. The Oriental Insurance Co. Ltd and others, passed in Civil Appeal No. 448-2018., decided on 19.01.2018.*** The remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

14.05.2018
G Arora

(***RITU BAHRI***)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No