

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

FAO-2749 of 2012 (O&M)
Date of decision: 17.02.2018

Saurabh

.... Appellant

Versus

M/s Sohan Lal Aggarwal & sons and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Suman Sharma, Amicus Curiae
for the appellant.

Mr. Suvir Dewan, Advocate
for respondent No.3.

Avneesh Jhingan, J.

The present appeal has arisen from award dated 06.02.1997 passed by Motor Accidents Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal').

An accident took place on 02.04.1995 on G.T.Road, near I.T.I. Chowk, Karnal. Saurabh, aged 16 years, was a passenger in Ambassador Car bearing registration No.DLY-757. A rashly and negligently driven truck bearing registration No.HYL-1546 dashed into the car. As a result of the accident, Saurabh suffered multiple injuries including fractures in left arm and hip joint. He was taken to hospital. He was referred to PGI. FIR No.197 was registered against the driver of the truck.

A claim petition under Section 166 of the Motor Vehicles Act,

1988 (for short, 'the Act') was filed.

The Tribunal awarded a sum of Rs.8250/-. If the amount was not deposited within two months then it would have carried 12% interest per annum.

No one appeared for the appellant on last few dates. Ms. Suman Sharma, Advocate, who is present in Court, is appointed as amicus curiae in the case. She has assisted the Court on behalf of the appellant.

The appeal has been filed for enhancement of compensation.

The appellant suffered fractures of left arm and hip joint. He was operated upon and a rod was inserted in his left arm. He remained hospitalised for almost three months. Since the medical expenses were reimbursed to his father, the Tribunal had not rightly considered the same. The appellant was student of class X.

Learned amicus curiae argued that the amounts awarded under the various heads are meager. No amount has been awarded for attendant.

Learned counsel for the insurer defended the award and argued that no case is made out for enhancement as the appellant has not suffered any permanent or temporary disability.

Keeping in view the nature of injuries, age of the appellant at the time of accident and the trauma he underwent, the amount awarded by the Tribunal is meager. The school going boy remained bed ridden for more than three months, he missed his classes. Fractures and the insertion of rod ensures that his enjoyment of life would have been effected during the period of treatment and may be subsequently.

Keeping in view the facts and circumstances of the case, it is deemed appropriate that another sum of Rs.1 lakh in lumpsum is awarded over and above the amount already awarded by the Tribunal.

The claimants would be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

17.02.2018
anju

1. Whether the order is speaking/reasoned: Yes/No
2. Whether the order is reportable : Yes/No