

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3883 of 2012

Date of decision: 10.08.2018.

Naresh Kumar

...Appellant

Versus

Joginder and others

...Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Sanjay Verma, Advocate for the appellant.

Mr. Yashveer Kharab, Advocate
for respondent No.1.

Respondent No.2 ex-parte vide order dated 10.01.2013.

Mr. R.M. Suri, Advocate
for respondent No.3/Insurance Company.

B.S. Walia, J. (Oral),

1. Claim is for enhancement of compensation awarded on account of injuries sustained by the appellant in a motor vehicular accident on 23.08.2009. Learned counsel has confined his submissions to the plea that compensation of Rs. 15,000/- awarded on account of pain and suffering was grossly inadequate and minimum of ₹1 Lakh ought to have been awarded. The same has been vehemently opposed by learned counsel for the respondents who contended that the compensation awarded by the learned Motor Accidents Claim Tribunal, Kaithal (hereinafter referred to as the Tribunal) is just and proper, therefore does not warrant intervention by this Court.

2. Admittedly, the appellant sustained injuries in a motor vehicular accident on 23.08.2009 as a result of which he suffered fracture of right femur as well as of patella right knee. The appellant remained admitted in Virk Hospital, Karnal till 25.08.2009 and was operated upon and interlocking nailing done over the right femur besides partial patellectomy.

3. Having heard learned counsel for the parties and considered the nature of injuries sustained by the appellant as also the treatment undergone by the appellant, I am of the view that the claim for enhancement on account of pain and suffering to Rs. 1,00,000/- is exorbitant. However, the ends of justice would be met if the compensation on account of pain and suffering is enhanced from ₹15,000/- to ₹45,000/-. Ordered accordingly.

4. Consequentially, the award of the Tribunal dated 25.02.2012 is modified and appellant is held entitled to compensation of ₹80,000/- as against ₹50,000/- awarded by the Tribunal along with interest @ 7.5% per annum w.e.f. the date of claim petition till date of payment, less payment, if any, already made.

5. Accordingly, appeal is allowed and award is modified to the extent as noted above.

(B.S. Walia)
Judge

10.08.2018

rajesh.k.khurana

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.