

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.4947 of 2012

Date of decision: 10.08.2018.

Satya Narayan.

...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 an accident on 23.08.2009. Learned counsel has confined his submissions to the plea that compensation of ₹15,000/- awarded on account of pain and suffering was grossly inadequate and minimum of ₹1 Lakh ought to have been awarded on said count.

2. The learned Motor Accidents Claim Tribunal, Kaithal (hereinafter referred to as the Tribunal) on the basis of evidence led before it held the appellant entitled to ₹15,000/- on account of pain and suffering, ₹5,000/- on account of transportation charges, diet etc, besides ₹ 28,646/- rounded of to ₹29,000/- on account of medical expenses, total ₹49,000/-.

3. Learned counsel for the respondents states that looking to the nature of injuries sustained, compensation of ₹15,000/- awarded on account of pain and suffering was just and proper and did not warrant enhancement

by this Court.

4. I have considered the submissions of learned counsel for the parties and have perused the record. Perusal of the evidence of PW-5, Dr. J.K. Gulati reveals that the appellant was admitted in the hospital with segmental fracture of right femur for which interlocking nailing was done, whereafter the appellant was discharged on 25.08.2009. The appellant remained admitted in hospital for two days and during said period, surgery for interlocking on account of fracture of right femur was done. Although the appellant has claimed that at least ₹1 Lakh be awarded on account of pain and suffering, yet I am of the view that amount claimed is exaggerated and instead of ₹15,000/- awarded on account of pain and suffering, the appellant ought to be awarded ₹40,000/- on account of pain and suffering. Resultantly, as against ₹49,000/- awarded by the Tribunal, the appellant is held entitled to ₹74,000/-, along with interest @ 7.5% per annum with effect from the date of claim petition till date of payment, less payment, if any, made earlier.

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.