

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1198 of 2013

Date of Decision: 12.02.2018

Vishal Sharma

.....Appellant

Vs.

Ashwani Kumar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Gitish Bhardwaj, Advocate, for the appellant.

Ms.Swati Batra, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant(for short 'the appellant'), against award dated 12.06.2012, passed by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib (for short, 'the Tribunal') vide which compensation to the tune of Rs.59,218/-/- was awarded to the claimant on account of injury suffered by him in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 08.03.2009, claimant/injured was sitting as a pillion rider on scooter Activa bearing registration No.PB-23-F-7006 driven by Parveen Kumar and was going from their residence towards Chawla Chicken Restaurant for taking dinner. At about 8:30 p.m., when they reached near railway over bridge, then one bolero vehicle bearing registration No.HP-12-C-1285 came from G.T.Road side from the over bridge driven by his driver in a rash and negligent manner struck with their scooter by coming on wrong side and they both fell down on the road. Both have suffered injuries and

right leg of claimant was damaged/fractured badly. The driver of offending vehicle ran away with his vehicle from the spot. A case bearing FIR No.34 dated 09.03.2009 for the offence under Section 279/337/338/427 of IPC has been registered against the driver of the offending vehicle.

COMPENSATION ASSESSED BY MACT

Factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Medical treatment	Rs.38,218/-
2.	Pain and suffering	Rs.10,000/-
3	Transportation	Rs.5,000/-
4.	Compensation on account of extra nourishment	Rs.6,000/-
	Total	Rs.59,218/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced. On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

RE-ASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. Keeping in view that claimant is suffering from fracture and had taken treatment for almost 3 months as observed in paragraph No.19 of the Award, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Medical treatment	Rs.38,218/-
2.	Pain and suffering	Rs.20,000/-
3	Transportation and special diet	Rs.20,000/-
4.	Compensation on account of extra nourishment	Rs.6,000/-
	Total	Rs.84,218/-
	Enhanced amount of compensation	Rs.84,218/- --- Rs.59,218/-= Rs.25,000/-

Resultantly, the enhanced amount of compensation of **Rs.25,000/-** 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, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Shri Nagar Mal and Ors. Vs. The Oriental Insurance Company Limited and Others passed in Civil Appeal No.448 of 2018.** Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)
JUDGE

12.02.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No