

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

FAO-710-2012 (O&M)

Date of Decision:26.04.2018

Chander Kanta Jha

.....Appellant

Versus

Ravinder Kumar and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. G.S. Dhaliwal, Advocate for
Mr. Sukhjit Singh, Advocate, for the appellant.**

**Mr. Aseem Aggarwal, Advocate for
Mr. Harsh Aggarwal, Advocate, for respondent No.3.**

**Mr. Navin Kapur, Advocate for
Mr. Naveen Gupta, Advocate, for respondent Nos.4 to 6.**

**Mrs. Vikas Chaudhary, Advocate,
for respondent No.7-Insurance Company.

HARI PAL VERMA, J.(Oral)

Appellant has filed the present appeal seeking enhancement of compensation over and above the compensation awarded by learned Motor Accident Claims Tribunal, Ludhiana (for short “the Tribunal”) vide award dated 24.08.2011 for the injuries suffered by him in the accident.

As per claim petition filed by the claimants, on 17.09.2004, appellant-claimant was going from Ludhiana to Chail in a car bearing registration No.PB-10N-0013 being driven by Paramjit Singh Raheja. At about 9.15 PM, when they reached near Jabli, one Tanker bearing registration No.HR-37-8985 being driven in a rash and negligent manner came from the opposite side and struck against the car of Paramjit Singh Raheja. Due to this accident, claimant and one Paramjit Singh Raheja

sustained serious injuries. Firstly they were taken to ESI Hospital,

Parwanoo, from where they were referred to GMCH, Sector 32, Chandigarh, where Paramjit Singh Raheja died on 30.09.2004, the claimant-appellant suffered fracture of right thigh and left arm and he also sustained other multiple injuries on his person in the said accident.

In a claim petition filed under Section 166 of the Motor Vehicles Act, 1988, for the injuries suffered by the claimant in the accident, which took place on 17.09.2004, the Tribunal has awarded a total compensation of ₹71,500/- along with interest @ 6% per annum from the date of filing the claim petition till its realization.

Not satisfied with the aforesaid amount of compensation, the appellant-claimant has preferred the present appeal seeking enhancement of compensation.

The accident and liability are not in dispute. Learned counsel for the appellant states that the claimant has suffered injuries in the accident and he was operated for fracture of right thigh and left arm and fracture of left humerus and K-nail was also affixed. He has suffered 10% permanent disability, which has been duly established by the disability certificate CW2/A issued by the Civil Surgeon, Ludhiana. The claimant was running hosiery and printing business, but because of injuries suffered by him in the accident, he could not continue with the said business. Thus, he has lost his source of livelihood because of the accident.

On the other hand, learned counsel for respondent No.3- Insurance Company has argued that the Tribunal has already awarded adequate compensation and there is no scope for further enhancement of compensation.

I have heard the learned counsel for the parties.

There is no dispute that in the accident, which occurred on 17.09.2004, the claimant has suffered 10% permanent disability. Same has been duly assessed by the doctor vide disability certificate Ex.CW2/A. The disability certificate reveals that because of the injuries suffered by the claimant in the accident, there is implant in right thigh and there is difficulty in squatting and sitting cross legged. The Tribunal has awarded ₹15,000/- on account of aforesaid permanent disability. This Court finds that the compensation should have been awarded at least @ ₹2,000/- for each percentage of the disability. Accordingly, the amount of ₹15,000/- awarded on account of permanent disability is enhanced to ₹20,000/-. The accident was caused near Solan on the way to Chandigarh and thereafter, the injured was taken to hospital in Solan and then shifted to Chandigarh. Thereafter, he was taken to some hospital in Ludhiana, where he was permanently residing. Therefore, an amount of ₹10,000/- is granted towards transportation charges. The amount of attendant charges is increased from ₹3,000/- to ₹5,000/-.

The enhanced amount of compensation i.e. ₹12,000/- shall carry interest @ 6% per annum from the date of filing of claim-petition till its realization.

This increase shall be over and above the amount awarded by the Tribunal.

With the aforesaid modification, the present appeal stands disposed of.

April 26, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No