

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

FAO No.10480 of 2014(O&M)

Date of Decision: 23.05.2018

Jatinder Singh

... Appellant

Versus

Mann Singh & ors.

.. Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. A.S. Saini, Advocate,
for the appellant.

Mr. Neeraj Khanna, Advocate, for
Mr. RC Arora, Advocate,
for respondent No.3-Insurance Company.

RAMENDRA JAIN, J.(Oral)

Claimant through this appeal has sought enhancement of compensation, modifying, impugned award dated 12.03.2014 of the Motor Accident claims Tribunal, Rupnagar (in short 'the Tribunal').

In nutshell, on 28.05.2012 the appellant-claimant suffered injuries on his person in a motor vehicular accident caused by respondent No.1 while driving truck bearing registration No.PBW-2241 owned by respondent No.2 and insured with respondent No.3. The appellant-claimant was shifted to Civil Hospital, Ropar. After providing first aid, he was referred to Postgraduate Institute of Medical Education and Research, Chandigarh in unconscious state of affairs and bleeding profusely. From his CT-scan, it was found that he had a blood clot in the brain due to dashing of his head against the offending truck. Thereafter, the appellant was operated for removal of blood clot from his brain. Since the appellant-claimant was unable to breath

properly therefore, to save his life, oxygen pipe was inserted by making a hole in his neck for his proper breathing.

The appellant-claimant filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') for awarding compensation against the injuries suffered by him.

Learned Tribunal, after holding trial, awarded a consolidated sum of ₹1,46,499/- (₹46,499/- towards medical expenses plus ₹1,00,000/- on account of pain and suffering, loss of earning and special diet etc.) to the appellant-claimant vide impugned award.

Heard.

Dr. Sandeep Mohindra PW-1, who operated the appellant-claimant, categorically testified that nature of injury suffered by the appellant-claimant was dangerous to life. Therefore, the appellant-claimant may have behaviour/memory problems and seizures in future, on account of which he would have certain limitation in doing his job, recreational activities and may also suffer mental problem.

Considering this statement of the doctor that in future, the appellant-claimant would not be able to pursue his job, which he was doing earlier on account of injuries suffered by him in the accident in question, which may result in loss of his memory and diminishing skills used by him in his alleged vocation of Mason, a lump sum amount of ₹1,00,000/- more, which includes interest component also, is awarded to the appellant-claimant over and above the compensation already awarded by the learned Tribunal.

This appeal stands disposed of with direction to respondent No.3-Insurance Company to deposit the enhanced compensation of ₹1,00,000/- before the learned Tribunal for onward disbursement to the

appellant-claimant, in accordance with law against proper receipt and identification.

23.05.2018
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(RAMENDRA JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>