

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

FAO-10600-2014

Date of Decision:22.02.2018

Jagdish Kumar

.....Appellant

Versus

Narinder Singh and another

.....Respondents

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

**Present: Mr. Ashish Gupta, Advocate,
for the appellant.**

**Mr. Manohar Kumar Garg, Advocate,
for respondent No.2-Insurance Company.**

HARI PAL VERMA, J.(Oral)

Appellant-claimant has filed the present appeal for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Patiala (for short “the Tribunal”) vide award dated 17.09.2014.

Brief facts of the case are that the appellant was working in Ambience Automation Private Limited Factory, Phase-II, Plot No.54, Industrial Area, Chandigarh. On 10.06.2013, he was returning from his duty on his motorcycle bearing registration No.PB-65S-7180 and when he reached near bus stop Dhareri, the offending vehicle bearing registration No.PB-11Q-0073 being driven by respondent No.1 in rash and negligent manner, at a very high speed, hit the motorcycle of the claimant from the backside. As a result thereof, the claimant suffered injuries and his motorcycle was damaged. The right leg of the claimant was fractured and

he also sustained multiple injuries on other parts of the body. The claimant was rushed to Govt. Medical College and Hospital, Sector 32, Chandigarh, where his right leg was operated. An FIR No.103 dated 13.02.2013 under Sections 279, 337 IPC was registered in Police Station Sohana in this regard.

For the injury suffered by the claimant in the accident, which took place on 10.06.2013, whereby his right leg was fractured, the Tribunal has awarded compensation in the following terms:-

1.	Hospitalization charges, treatment expenses and expenses incurred on medicines	:	₹41,471/-
2.	Special diet & attendant charges	:	₹5,000/-
3.	Transport charges	:	Nil
4.	Pain & sufferings	:	₹25,000/-
5.	Loss of future earnings	:	Nil
	Total	:	₹71,471/-

Learned counsel for the appellant has argued that no amount of compensation has been awarded qua the transportation charges. He further states that apart from the aforesaid fact, no amount for the loss of income has been awarded for the period during which he remained admitted in the hospital and on rest.

I have heard the learned counsel for the parties.

This Court finds that so far as hospitalization, special diet, attendant charges and pain & sufferings are concerned, the Tribunal has already awarded adequate compensation in this regard. As the appellant has not been awarded compensation on account of transportation charges and loss of income for the period he remained out of job and on rest, the appellant deserves to be granted ₹5,000/- towards transportation charges and ₹10,000/- on account of loss of income.

Accordingly, the claimant is entitled for enhancement of compensation of ₹15,000/- over and above the compensation already awarded by the learned Tribunal, which shall carry interest @ 7.5% per annum from the date of filing of the claim-petition till its realization.

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

February 22, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No