

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

1. FAO No. 1570 of 2014

Vinod Kumar ...Appellant

Versus

Mahinder Singh and others ...Respondents

2. FAO No. 3855 of 2014

Shri Ram General Insurance Co. Ltd. ...Appellant

Versus

Vinod Kumar and others ...Respondents

Date of decision:- 28.02.2018

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. J.P. Sharma, Advocate
for the appellant in FAO No. 1570-2014
& for respondent No.1 in FAO No. 3855 of 2014

Mr. Mukesh Yadav, Advocate for
for respondent Nos. 2 to 3 in FAO No. 3855 of 2014
and for respondent Nos. 1 and 2 in FAO No. 1570-2014

Mr. Arun Sharma, Advocate for
Mr. Tejinder Joshi, Advocate
for the appellant in in FAO No. 3855 of 2014
and for respondent No. 3 in FAO No. 1570-2014

RITU BAHRI J. (Oral)

1. The above said appeals, as noticed above, are being disposed of by this common judgment, having arisen out of the impugned Award dated 09.12.2015 passed by the learned Motor Accident Claims Tribunal, Narnaul (for short the Tribunal)

2. At the very outset learned counsel for the appellant-Insurance company has very fairly stated that earlier the appeal i.e FAO No. 7169-2014 filed by the Insurance Company on same grounds as mentioned in the present appeal, has been dismissed by this Hon'ble Court on 04.09.2014.

3. Now coming to the appeal filed by the injured-claimant, which was for enhancement of the compensation amount awarded to him by the Tribunal.

4. Learned counsel for the appellant-vinod Kumar submits that the compensation requires to be enhanced, as the appellant was awarded less under the head of pain and suffering.

5. A bare perusal of the impugned award shows that the appellant-claimant Vinod Kumar has been awarded Rs.1,30,000/- on account of loss of salary which he suffered during his treatment, Rs.70,000/- for treatment expenses, Rs.15000/- for transportation, Rs.15000/- for attendant charges, Rs.5000 for special diet and Rs.50,000/- for permanent disability and pain and suffering. Both the legs of the appellant-Vinod Kumar were operated twice and a rod was inserted. He was confined to bed for 192 days. The appellant had suffered 8% permanent disability.

6. In view of the above factual position, the compensation is being re-assessed as under:-

On account of loss of salary	Rs.1,30,000/-
Treatment expenses	Rs.70,000/-
Transportation	Rs.30000/-
Attendant charges	Rs.20000/-
Special diet	Rs.30000/-
Permanent disability	Rs.20,000/-
Pain and suffering	Rs.50,000
Total compensation	Rs.3,50,000/-
Enhanced amount of compensation	350000-285000=Rs.65,000/-

7. Accordingly, the appeal (FAO No. 3855 of 2014) filed by the Insurance company is dismissed and the appeal i.e FAO No. 1570-2014 filed by the claimant is partly allowed to the extent that he is entitled to get

enhanced compensation of Rs.65,000/-, which shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellant (FAO No. 1570-2014) shall also get interest @ 7.5% per annum from the date of filing of the claim petition, in view of the judgment of Hon'ble the Supreme Court in a case of ***Shri Nagar Mal and ors vs. The Oriental Insurance Co. Ltd and others, passed in Civil Appeal No. 448-2018., decided on 19.01.2018.*** The remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

February 28, 2018
G Arora

(***RITU BAHRI***)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No