

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

FAO No.1700 of 2014.

Decided on:-April 25, 2018.

Kuldeep Singh.

.....Appellant.

Versus

Sham Singh and others

.....Respondents.

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

Present:- Ms. Amandeep Kaur, Advocate for
Mr. Ashwani Arora, Advocate
for the appellant.

Mr. M.S. Rana, Advocate for
Mr. H.K. Verma, Advocate
for respondents No.1 and 2.

Mr. Rajbir Singh, Advocate
for respondent No.3-insurance company.

HARI PAL VERMA, J. (Oral)

The appellant-claimant has filed the present appeal seeking enhancement of compensation over and above the amount awarded by the Motor Accidents Claims Tribunal, SAS Nagar, Mohali (for short, the Tribunal) vide award dated 06.11.2013, whereby in a claim petition filed by the appellant-claimant under Section 166 of the Motor Vehicles Act, 1988 (for short, the Act), the Tribunal awarded compensation of Rs.47,355/- on account of the injuries suffered by the claimant in a motor vehicular accident, which took place on 19.05.2011. It was also ordered by the Tribunal that in

case the payment is made within three months, the interest would be charged @ 6% per annum, but in case respondent failed to pay the payment within three months, the claimant shall be entitled to claim interest @ 9% per annum. The interest will be chargeable from the date of filing of the claim petition till the actual date of realization.

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

Learned counsel for the appellant has argued that in the aforesaid accident, the claimant had suffered grievous injuries i.e. fracture in left leg and other multiple injuries. The fracture in the left leg has been proved by Dr. Rakesh Kumar as PW2, who issued the disability certificate Ex.P22 to the claimant, which proves that there was a fracture femur left with implant in Situ, showing union with mild stiffness in left knee joint.

He has further argued that considering the nature of injuries, the Tribunal has awarded a very nominal compensation under various heads including transportation, pain and suffering and loss of prospect of marriage. He has argued that for the injuries suffered in the accident, the claimant remained admitted in the hospital for about 5 days i.e. w.e.f. 19.05.2011 to 24.05.2011 and a considerable amount was spent on the medical expenses alone. Therefore, the Tribunal should have awarded a higher compensation under the various heads.

On the other hand, learned counsel for the respondents have argued that the Tribunal has already awarded adequate amount of compensation to the claimant and there is no further scope of any

enhancement in the same. Fresh power of attorney filed on behalf of respondent No.3-insurance company in the Court today, is taken on record.

I have heard learned counsel for the parties.

The accident and liability are not in dispute. What is in dispute is the quantum of compensation. It has come on record that there was a fracture femur left with implant in Situ showing union with mild stiffness in left knee joint for which the doctor had suggested physiotherapy to the claimant. Therefore, the claimant must have undergone physiotherapy for a considerable time.

Therefore, this Court finds that a consolidated amount of Rs.30,000/- towards attendant charges, special diet, transportation as well as pain and suffering is required to be awarded to the claimant. This additional amount of Rs.30,000/- would be over and above the amount of compensation already awarded by the Tribunal. Ordered accordingly.

It is made clear that the additional amount of Rs.30,000/- shall not fetch any interest provided the same is disbursed to the appellant-claimant within one month from the date of receipt of certified copy of this order, failing which the rate of interest i.e. 9% per annum as already awarded by the Tribunal shall come in operation.

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

April 25, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No