

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1315 of 2015

Date of Decision:11.05.2018

Krishan Singh

.....Appellant

Vs.

Kishan Pal and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:-

Mr.K.L.Saini, Advocate, for
Mr.S.K.Verma, Advocate, for the appellant.

Mr.P.S.Punia, Advocate, for respondent No.1.

Mr.Satpal Dhamija, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 18.11.2014, passed by the learned Motor Accident Claims Tribunal, Rohtak (for short, 'the Tribunal') vide which compensation to the tune of Rs.70,000/- was awarded to the claimant on account of injuries received by him in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 18.09.2013, the claimant- Krishan Singh and one Vedpal were riding on a motor-cycle bearing No.HR-12J/2582 for going towards new bus stand, Rohtak from the side of Gohana Chowk. Krishan Singh was driving the motor-cycle and Vedpal was a pillion rider. At about 1:00 p.m. when they reached at Gohana bye-pass chowk driving the motorcycle at slow speed on correct side of the road, a bus bearing No.HR-46C/9214 driven at a high speed and in a rash and negligent manner by Krishan Pal respondent No.1 came from New bus Stand side and hit their motor-cycle after coming on the wrong side of the road. As a result thereof, they fell down and sustained multiple grievous injuries. They were taken to PGIMS, Rohtak by passers bye. An FIR (Ex.P5) has been registered with regard to this accident.

COMPENSATION ASSESSED BY MACT

The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Medical and other expenses	Rs.20,000/-
2.	Pain and sufferings	Rs.50,000/-
	Total	Rs.70,000/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "**National insurance Company Ltd. Vs. Pranay Sethi and others passed in SLP (Civil) No.25590 of 2014.** On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

RE-ASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the record.

A perusal of the Award shows that claimant/appellant has remained in hospital from 18.09.2013 to 30.09.2013 and after being discharged he continued to visit the hospital for follow up treatment. It is further proved that the injuries have also left him permanently disabled to the extent f 10% on account of decreased range of motion of right knee with surgical scar marks.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. Keeping in view the disability certificate and following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgment, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Medical and other expenses	Rs.20,000/-
2.	Pain and sufferings	Rs.50,000/-

3.	Permanent disability	Rs.20,000/-
4.	Special diet	Rs.30,000/-
	Total	Rs.1,20,000/-
	Enhanced amount of compensation	Rs.1,20,000/- --- Rs.70,000/- Rs.50,000/-

Resultantly, the enhanced amount of compensation of Rs.50,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Shri Nagar Mal and Ors. Vs. The Oriental Insurance Company Limited and Others passed in Civil Appeal No.448 of 2018.** Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)
JUDGE

11.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No