

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

**CMs No. 6066-67-CII of 2015 in/and
FAO No. 1934 of 2015
Date of Decision: 1.8.2018**

Balwinder Singh

.....Appellant

v.

Gaurav and others

.....Respondents

CORAM HON'BLE MRS. JUSTICE LISA GILL

Present:- Mr. Raghubir Tejpal, Advocate, for the appellant
Ankur Gupta, Advocate, for respondent No.3

LISA GILL, J. (oral) :

CM No. 6067-CII of 2015 :

Heard.

Keeping in view the averments in the application duly supported by an affidavit as well as arguments addressed, delay of 77 days in re-filing of this appeal is condoned.

Application is disposed of.

CM No. 6066-CII of 2015 :

Heard.

Keeping in view the averments in the application duly supported by an affidavit as well as arguments addressed, delay of 12 days in filing of this appeal is condoned.

Application is disposed of.

Main Appeal :

Appellant-claimant, seeks enhancement of the compensation awarded to him by the learned Motor Accident Claims Tribunal, Kurukshetra (for short 'MACT'), vide impugned award dated 27.3.2014 on account of multiple fractures and serious injuries suffered by him.

As per averments in the claim petition, appellant suffered multiple fractures and serious injuries in a motor vehicle accident which took place on 27.2.2012 due to rash and negligent driving of a Maruti Car bearing registration No. HR-41A-8507 by its driver namely Gaurav-respondent no.1. FIR No. 48 dated 28.2.2012 was registered at Police Station Pehowa in this respect.

Learned tribunal concluded that the accident in question was caused due to rash and negligent driving of the offending vehicle by respondent No.1-Gaurav. The said finding has attained finality.

The learned tribunal awarded a total sum of ₹1,50,930/- to the claimant. The claimant was awarded a sum of ₹10,000/- for pain and sufferings, ₹5,000/- as attendant charges, ₹5,000/- for taking special diet, ₹20,000/- for loss of income, ₹50,000 on account of loss of future earnings and enjoyment of life besides ₹60,930/- for actual medical expenses.

Learned counsel for the appellant submits that compensation of ₹6000/- (3 x ₹2000 i.e. ₹2000/- per percentage of the disability) be afforded and a sum of ₹1000/- per percent be afforded on account of temporary disability suffered by the appellant as out of 27% suffered by the claimant, it is proved on record that 3% of the same is permanent. An adequate sum be also afforded on account of pain and suffering as well as for transportation and attendant charges.

Learned counsel for the insurance company, however, submits that compensation has been reasonably assessed by the learned tribunal and there is no scope for any further enhancement. Learned counsel prays for dismissal of the appeal.

I have heard learned counsel for the parties and have gone through

the record with their able assistance.

The accident occurred on 27.2.2012 and the claimant suffered multiple fractures and grievous injuries. His right leg was operated upon and hinges implanted in his leg. He remained admitted in the hospital from 27.02.2012 till 7.3.2012. The said fact as well as medical expenses have been proved by Dr. J.P.Bharal-PW-3, J.P.Hospital, Kurukshetra. According to PW 2-Dr. Bimla Gouri, the claimant suffered 27% disability out of which 3% disability is permanent.

In my considered opinion, the complainant is entitled to sum of ₹25,000/- on account of temporary disability (25 x ₹1000) and ₹6000/- (3 x ₹2000/-) on account of permanent disability suffered by him. Claimant is further awarded a sum of ₹50,000/- instead of ₹10000/- on account of pain and suffering and a sum of ₹10,000/- for transportation charges. Compensation for attendant charges is enhanced from ₹5000/- to ₹10,000/-. Compensation in respect to the appellant-claimant, is re-worked as under:-

<i>Sr.No.</i>	<i>Heads of Claim</i>	<i>Amount</i>
1.	On account of temporary disability	₹25,000/-
2.	On account of permanent disability	₹6000/-
3.	On account of pain and suffering	₹50,000/-
4.	On account of transportation	₹10,000/-
5.	On account of attendant charges	₹10,000/-
6.	Loss of income	₹20,000/-
7.	Loss of future earning and enjoyment of life	₹50,000/-
8.	Actual medical expenses	₹60,930/-
9.	Special diet	₹5000/-
Grand Total		₹2,36,930/-

Needless to say, the amount of compensation already awarded to

the appellant shall stand deducted from the amount calculated as above.

Appellant shall be entitled to interest at the rate of 7.5% per cent per annum on the enhanced amount from the date of filing of the petition till realization.

With the above said modification in the amount of compensation, present appeal is disposed of.

(LISA GILL)
JUDGE

1.8.2018
Ashwani/s.khan

Speaking/Reasoned	Yes/No
Reportable	Yes/No