

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

F.A.O No. 194 of 2015

Date of decision:- 01.02.2018

Boota Singh

...Appellants

Versus

Sukha @ Sukhpal

...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Satbir Gill, Advocate,
for the appellant.

Mr. Rajneesh Malhotra, Advocate,
for respondent-Insurance Company.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as 'the Tribunal') vide Award dated 08.09.2014, on account of injuries and permanent disability sustained by the the claimant-Boota Singh in a motor vehicular accident which took place on 07.12.2012.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 07.12.2012, when claimant Boota Singh alongwith his brother Avtar singh was going to his house. In the meantime at around 7.30 PM a truck trolla bearing registration No. HR-39A-5992 being driven by respondent No. 1 rashly and negligently came from Sirsa side and truck against the claimant. Due to the impact, the claimant sustained serious injuries on his person. Thereafter, he was taken to General Hospital, Sirsa where he remained admitted upto 21.12.2012 and is still undergoing treatment. The accident took place due to rash and negligent driving of the respondent No. 1. The matter was reported to the

Police and in this regard FIR No.211 dated 09.12.2012 was registered against respondent No. 1 under Sections 279/337 and 338 of IPC at Police Station Sadar Sirsa.

Consequently, claimants-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused due to rash and negligent driving by respondent No.1.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. Tribunal awarded an amount of compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Medical Bills	Rs. 20,526/-
(ii)	Loss of earning	Rs. 10,000/-
(iii)	Pain and Suffering	Rs. 10,000/-
(iv)	Special diet	Rs. 5000/-
	Total Compensation	Rs. 45,526/-

The learned counsel for the appellants contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced.

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

REASSESSED COMPENSATION

A perusal of the Award shows that appellant Boota Singh after the accident remained admitted in hospital from 7.12.2012 to 21.12.2012 vide bed head ticket Ex. P30. Ex. P31 to Ex. P33, medical bills prove the same. It is appearant to say that he is remained in hospital for about 15 days and

compensation awarded by the Tribunal towards is on lower side and required to be enhanced.

In the present case, the compensation is being reassessed as per the medical bills mentioned above:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Medical Bills	Rs. 20,526/-
(ii)	Loss of earning	Rs. 10,000/-
(iii)	Pain and Suffering	Rs. 10,000/-
(iv)	Special diet	Rs. 10000/-
(v)	Transportation and attendant charges	Rs.15,000/-
	Total Compensation	Rs. 65,526/-
	Enhanced amount of compensation	Rs.65,526-45,526=20,000/-

The enhanced amount of compensation of Rs.20,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% 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 *Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539*. The remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

01.02.2018

Riya Grover

(RITU BAHRI)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No