

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO-3985-2014 (O&M)

Date of Decision:17.01.2018

Roshan Lal

.....Appellant

Versus

Dharampal and another

.....Respondents

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

Present: None for the appellant.

Mr. Robin Lohan, Advocate,
for respondent No.1.

Mr. S.P. Arora, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

The appellant-claimant has filed the present appeal against the award dated 07.09.2013 seeking modification/enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Hisar (for short “the MACT”) in a claim-petition filed under Section 166 of the Motor Vehicles Act, 1988, on account of injuries sustained by the appellant in a vehicular accident.

Briefly stated, on 24.07.2012, the appellant along with his uncle Pawan Kumar were going to village Kanoh from Nangthala on a motorcycle. Pawan Kumar was driving the motorcycle. He stopped it near bus stand of village Shamsukh for urinating and parked the motorcycle on katcha portion on the left side of the road. The appellant was sitting on the

parked motorcycle. In the meantime, a car bearing registration No.HR-59-

7953 came from behind, being driven at a high speed, in rash and negligent manner and hit the motorcycle. As a result of which, the appellant fell down and received multiple injuries on his person. He was admitted in AMC, Hospital, Hisar. FIR No.152 dated 29.07.2012 under Sections 279/237 IPC was also registered in Police Station Agroha on the statement made by the appellant.

Mr. Robin Lohan, Advocate, has put in appearance on behalf of respondent No.1 and filed his memo of appearance, whereas Mr. S.P. Arora, Advocate, has put in appearance on behalf of respondent No.2 and filed his power of attorney, which are taken on record.

On account of injuries caused in the accident, which took place on 24.07.2012, learned MACT has awarded compensation in the following manner:-

Pain and sufferings	:	₹5,000/-
Treatment expenses	:	₹51,500/-
Loss of income for one month	:	₹5,000/-
Special diet, attendant charges and convenience charges	:	₹5,000/-
Total		₹66,500/-

No one is present on behalf of the claimant.

Learned counsel for the respondent-Insurance company has argued that adequate compensation has already been awarded to the claimant and no interference is warranted.

However, noticing the fact that the claimant remained in the hospital for about six days and has been paid ₹51,500/- on account of expenses incurred on his treatment, it can be concluded that the nature of injuries was such that he was not fit to resume his duty forthwith.

Therefore, the amount of ₹5,000/- awarded by the learned MACT towards pain and sufferings is enhanced to ₹10,000/-. Similarly, loss of income for one month is required to be modified from ₹5,000/- to ₹15,000/-. Likewise, consolidated amount given under the head special diet, attendant and conveyance charges is also increased from ₹5,000/- to ₹10,000/-.

In this manner, the award is modified for another amount of ₹20,000/- over and above the amount already awarded. The enhanced amount of compensation shall fetch the same rate of interest as awarded by the learned MACT.

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

January 17, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No