

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

**FAO No.1430 of 2016 (O&M)
Date of decision: 23.1.2018**

Laxmi Narain

....Appellant

Versus

Ram Kumar and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Ajay Kumar Kansal, Advocate for the appellant.

Mr.Vinod Gupta, Advocate,
for respondent- New India Assurance Co. Ltd.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Jind (hereinafter referred to as 'the Tribunal') vide award dated 13.10.2015 on account of injuries suffered by him in a motor vehicular accident which took place on 23.7.2013.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 23.07.2013 at about 4.30 p.m. Laxmi Narain was coming from his house to his shop on bicycle and his brother Sushil Kumar was present at the shop, a bus bearing registration No.HR-56-4316 came from Jind side being driven by respondent No.1 in rash and negligent manner and struck against the bicycle of the claimant due to which he fell down on road and suffered multiple grievous injuries. He was admitted into Maharaja Aggarsain Hospital, Panipat where he remained

admitted for two days but due to grievous injuries he was referred to Sir Ganga Ram Hospital, Delhi where he remained admitted w.e.f. 24.7.2013 to 30.7.2013 and thereafter remained admitted in Parveen Hospital Private Ltd. Karnal upto 10.8.2013. With regard to the accident, FIR No.282 dated 23.7.2013, under Sections 279, 337 IPC was registered against respondent No.1. Consequently, claimant-appellant 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 on account of negligent driving of offending vehicle by driver-respondent No.1 and thus returned the finding on issue No.1 in favour of the claimant. This finding was rightly given on the basis of deposition of claimant Laxmi Narain and the fact that FIR Ex.P26 was registered against respondent No.1. Ultimately, the claim petition was accepted by the Tribunal and compensation was assessed as under:-

Sr. No.	Heads	Amount (Rs.)
1.	Medical expenses	Rs.1,25,600/-
2.	Conveyance charges, special diet and special attendant	Rs.14,400/-
3.	Pain and sufferings	Rs.25,000/-
	Total	Rs.1,65,000/-

Hence, the claimant was found entitled to a total compensation of Rs.1,65,000/- along with interest at the rate of 9% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

REASSESSED COMPENSATION

I have heard learned counsel for the respondent and perused the case file.

The claimant-appellant is seeking enhancement of compensation on account of expenses incurred on his treatment.

It is the case of the case of the claimant that due to head injury he has become permanent disabled as he has lost his memory but to prove the permanent disability the claimant has not examined any doctor nor tendered on record any medial report which could show that the claimant has become permanently disabled due to loss of memory. So far as the case of the claimant is that he remained admitted into various hospitals and incurred a huge amount on his treatment. Keeping in view the peculiar circumstances, in which the injured-claimant had been put, the compensation is required to be enhanced. Hence, the compensation is hereby re-assessed as under:-

Sr. No.	Heads	Amount (Rs.)
1.	Medical expenses	Rs.1,25,600/-
2.	Conveyance charges, special diet and special attendant	Rs.14,400/-
3.	Pain and sufferings	Rs.25,000/-
4	Special Diet	Rs.10,000/-
	Total compensation awarded	Rs.1,75,000/-
	Enhanced amount of compensation	Rs.1,75,000- Rs.1,65,000 =Rs.10,000

The enhanced amount of compensation of **Rs.10,000/-** shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry

realization, in view of the judgment of Hon'ble the Supreme Court in the case of “*Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others*”, 2015(1) SCC 539. 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.

(RITU BAHRI)
JUDGE

23.1.2018
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No