

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1645 of 2016 (O&M)

Date of Decision:30.04.2018

Baljit Singh

.....Appellant

Vs.

Banarsi Dass and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vaibhav Sehgal, Advocate, for the appellant.

Ms.Vandana Malhotra, Advocate, for
the respondent/Insurance Co.

RITU BAHRI, J. (ORAL)

CM No.6100-CII of 2016

For the reasons stated in the application, delay of 234 days in filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 16.01.2015, passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal') vide which compensation to the tune of Rs.76,955/- was awarded to the claimant on account of injuries suffered by him in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 10.09.2013, the claimant was going from his village Gujarwal to Ludhiana, on Motor cycle No.PB-10DX-7512 alongwith his brother Lal Kumar. When, they reached near Petrol Pump of village Mangli, then offending TATA Xenon Pick-up No.PB-12Q-Temp-0381 being driven by respondent No.1, rashly and negligently and at a high speed and without blowing any horn, came from Ludhiana side and hit against the motor cycle of claimant, which was being driven by Lal Kumar, brother of claimant. As a result of which, they both fell from the motor cycle on the road and

claimant suffered multiple fractures on his right leg and arm and other injuries on various parts of their body. An FIR No.149 dated 18.09.2013 under Sections 279, 337, 338, 427 IPC was registered at P.S.Meharban, District Ludhiana, on the statement of claimant.

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 by the learned Tribunal as under:

Sr.No.	Heads of compensation	Amount
1	Medical bills as per Ex.C1 to Ex.C49 and Ex.C59 to Ex.C61, Ex.CW2/A and Ex.CW2/B	Rs.66,955/-
2.	Pain and agony	10,000/-
	Total	Rs.76,955/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced. 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 remained admitted in the hospital for his treatment w.e.f 10.09.2013 to 16.09.2013.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. In view of the admission in the hospital of the claimant, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Medical bills as per Ex.C1 to Ex.C49 and Ex.C59 to Ex.C61, Ex.CW2/A and Ex.CW2/B	Rs.66,955/-
2.	Pain and agony	Rs.10,000/-
3.	Expenses on admission in hospital of 7 days	Rs.10,000/-
4.	Special diet and other	Rs.15,000/-

	Total	Rs.1,01,955/-
	Enhanced amount of compensation	Rs.1,01,955/- --- Rs.76,955/-= Rs.25,000/-

Resultantly, the enhanced amount of compensation of Rs.25,000/- 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 Ltd. And ors. 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

30.04.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No