

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

**FAO No.5325 of 2013 (O&M)
Date of decision: 16.01.2018**

Satyavir Manav

....Appellant

Versus

Dharamvir and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.S. Randhawa, Advocate,
for the appellant.

Ms. Manpreet Kaur, Advocate,
for Mr. Chanderhas Yadav, Advocate,
for respondent No.1.

Mr. Radhey Shyam, Advocate,
for respondent No.3-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, Narnaul (hereinafter referred to as 'the Tribunal') vide award dated 17.05.2013, on account of injuries received by him in a motor vehicular accident which took place on 07.11.2011.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 07.11.2011, claimant-appellant (Satyavir Manav) was going from Ateli to Gurgaon Gramin Bank, village Kanti, on a motorcycle bearing registration No. HR-35-D-4581. In the way, he found Sube Singh son of Bishember Dayal, resident of village

Bihali standing in front of his house. On seeing him, appellant stopped his

motorcycle on the *katcha* portion of the road. At about 11.30 A.M., when he against proceeded towards village Kanti, one Camper bearing registration No.HR-21-D-0917 being driven by Dharamvir-respondent No.1 in a rash and negligent manner, came from the opposite side and struck against the motorcycle of claimant-appellant, as a result of which, he fell down on the road and sustained grievous injuries. The accident was witnessed by aforesaid Sube Singh and Suresh. With regard to the accident, FIR No.06 dated 11.01.2011, under Sections 279/337 IPC was registered at Police Station, Ateli. Consequently, the 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 rash and negligent driving of offending vehicle by its 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 Satyavir Manav-claimant (PW-1) and Sube Singh, eye witness (PW-2). Further, FIR Ex.P1 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.	Treatment expenses	Rs.62,000/-
2	Compensation for repair of motorcycle	Rs.5,000/-
3	Transportation	Rs.5,000/-
4	Attendant charges	Rs.5,000/-
5	Special diet	Rs.3,000/-
6	Compensation on account of disability and pain & sufferings	Rs.50,000/-
	Total	Rs.1,30,000/-

Hence, the claimant was found entitled to a total compensation of Rs.1,30,000/- along with interest at the rate of 6% 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 parties and perused the case file. The fact of accident is admitted and proved.

The claimant-appellant is seeking enhancement of compensation on account of disability suffered by him in the accident. As per disability certificate Ex.P35, claimant-appellant has suffered permanent disability to the extent of 18% and movement of his shoulder is restricted. After the accident, he remained admitted in hospital w.e.f. 08.01.2011 to 1.01.2011. Keeping in view the peculiar facts and circumstances of the case, the compensation is required to be enhanced. Hence, the compensation is hereby re-assessed as under:-

Sr. No.	HEADS	AMOUNT (In Rs.)
(i)	Treatment expenses	Rs.62,000/-
(ii)	Compensation for repair of motorcycle	Rs.5,000/-
(iii)	Transportation	Rs.10,000/-
(iv)	Attendant charges	Rs.10,000/-
(v)	Special diet	Rs.10,000/-
(vi)	Compensation on account of disability and pain & sufferings	Rs.75,000/-
(vii)	Loss of income	Rs.16,000/-
(viii)	TOTAL COMPENSATION AWARDED	Rs.1,88,000/-
(ix)	Enhanced amount of compensation	Rs.1,88,000 – 1,30,000 = Rs.58,000/-

The enhanced amount of compensation of **Rs.58,000/-** 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 interest @ 9% 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 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

16.01.2018
ajp

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