

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

**FAO No.5374 of 2013 (O&M)
Date of Decision: February 09, 2018.**

Babru Bhan

.....APPELLANT(s).

VERSUS

Kuldeep and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vijay Sangwan, Advocate
for the appellant (s).

None for the respondents.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the tribunal') vide award dated 16.09.2013 allowed compensation of ₹4,17,000/- for the injuries suffered by appellant-claimant Babru Bhan, in a motor vehicle accident with Car bearing registration No.DL-9CZ-1355.

As the only issue involved in this appeal relates to quantum of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded by the tribunal was computed as follows:-

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Pain and suffering	₹40000
(ii)	Special diet, attendant services and transportation	₹20000

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(iii)	Medical/treatment expenses	₹127000
(iv)	Permanent disability/loss of enjoyment of amenities of life.	₹160000
(v)	Loss of income	₹70000
<i>Total</i>		₹4,17,000/-

Learned counsel for the appellant-claimant has argued that the claimant had suffered serious injuries in the accident. He remained admitted in hospital from 09.03.2012 to 09.04.2012 and again on 24.11.2012 to 14.12.2012 and his right leg was amputated. He was bachelor and had suffered 80% disability. The tribunal has allowed very meagre amount of ₹1,60,000/- for disability and loss of enjoyment of amenities of life. No compensation has been awarded for future treatment and loss of marriage prospects. Though the claimant has produced receipts of transportation charges amounting to ₹29,596/- but the tribunal has awarded consolidated amount of ₹20,000/- for transportation, special diet and attendant charges. Due to injuries suffered by him, appellant will lead a crippled life and compensation of ₹4,17,000/- as awarded by the tribunal is on lower side. He submits that the appellant-claimant will be satisfied if he is allowed enhancement of compensation by ₹1 lakh.

Respondents No.1 and 3 served but none has appeared on their behalf and were proceeded ex parte vide order dated 24.02.2015. Service of respondent No.2 was dispensed with.

On giving a careful thought to the submissions of learned counsel for the appellant and on perusal of the paper book, I find that right leg of the claimant was amputated. The tribunal while awarding the

compensation, has not allowed adequate compensation towards special diet,

attendant charges and transportation etc. No amount of compensation was allowed for future medical treatment, loss of marriage prospects of the claimant and the compensation for loss of enjoyment of amenities of life has been wrongly clubbed with compensation for permanent disability. The enhancement of ₹1 lakh as sought by learned counsel for the appellant-claimant is very reasonable and could be allowed to the appellant.

This appeal is accordingly allowed and the amount of compensation is enhanced by ₹1 lakh over and above the amount already awarded by the tribunal. The claimant shall be entitled to the interest on the enhanced compensation amount @ 7% per annum, from the date of filing of the appeal till its realisation. He is also entitled to the costs of this appeal. Counsel fee is assessed at ₹10,000/-.

February 09, 2018.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No