

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

**FAO No.2368 of 2016
Date of Decision: 03.04.2018**

Jai Pal

.....Appellant

Vs.

Arun and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Madan Pal, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 24.12.2015, passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') vide which compensation to the tune of Rs.1,49,400/- was awarded to the claimant on account of injuries suffered by him in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 21.07.2012, claimant-Jai Pal along with his son Sunny-injured and nephew Ashok Kumar-dead, was going to his village Ganjogarhi from village Ardana on motor cycle No.HR-05Y-2825 so driven by Ashok Kumar. At about 12:30 p.m., when they reached in the area of village Kambohpora on G.T.Road, then Figo Car bearing No.DL-4C-AF-9780 came from behind. It was being driven by its driver Arun at fast speed, rashly and negligently. It hit at the back side of the motor cycle and further struck against the divider. Consequently, the motor cycle and its occupants fell

down and suffered multiple, grievous and fatal injuries. Ashok Kumar died at the spot. On his (claimant's) Jai Pal's statement, a criminal case through Fir No.226 dated 21.07.2012 has been registered for offences punishable under Sections279/337/338/304-A IPC against respondent No.1-Arun with Police Station, Madhuban, Karnal.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the claimant was 40 years old at the time of his accident. Factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Loss of income	Rs.18000/-
2.	Pain and suffering	Rs.25,000/-
3	Transportation	Rs.5,000/-
4	Special diet	Rs.5,000/-
5	Hospitalization	Rs.35,000/-
6	Medical bills	Rs.61,400/-
	Total	Rs.1,49,400/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "**National insurance Company Ltd. Vs. Pranay Sethi and others passed in SLP (Civil) No.25590 of 2014.** 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.

Since nothing has been awarded on account of disability which has been assessed as 5% qua whole body as per disability certificate Ex.P1.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgment, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Loss of income	Rs.18000/-
2.	Pain and suffering	Rs.35,000/-
3	Transportation	Rs.10000/-
3.	Special diet	Rs.10,000/-
4.	Hospitalization	Rs.35,000/-
5.	Medical bills	Rs.61,400/-
6.	Compensation on Disability5% qua whole body	Rs.10,000/-
	Total	Rs.1,79,400/-
	Enhanced amount of compensation	Rs.1,79,400/- ---- Rs.1,49,400/- =Rs.30,000/-

Resultantly, the enhanced amount of compensation of **Rs.30,000/-** 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 Limited and Others passed 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

03.04.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

