

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

FAO No. 5069 of 2014 (O&M)

Date of decision:- 03.05.2018

Sandeep Kumar

...Appellant

Versus

Ramesh & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sudhir Aggarwal, Advocate
for the appellant.

Mr. Subhash Goyal, Advocate
for respondent No. 3

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 21.12.2013 passed by the learned Motor Accident Claims Tribunal, Gurgaon (for short, 'the Tribunal') to the tune of Rs.4,22,054/-.

FACTS NOT IN DISPUTE

On 10.05.2012, claimant along with Krishan Kumar was going to village Binola on motorcycle bearing registration No. HR-27-D-0867 , being driven by the claimant. When they reached in front of terisop company On NH-8, a vehicle bearing registration No. HR-55-L-9626 driven by respondent No. 1 hit the motorcycle from behind due to which the petitioner fell on the road and Krishan Kumar fell on the kacha portion of the road. The appellant sustained grievous and multiple injuries

The Tribunal awarded the compensation to the claimant as mentioned below:-

On account of medical expenses

Rs.3,51,254/-

Pain and suffering	Rs.40,000/-
Special Diet & Transportation	Rs.10,000/-
Loss of income during the treatment period of four months @ Rs.5200/-	Rs.20800/-
Total	Rs.4,22,054/-

The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced, as the appellant received grievous injuries and he was operated upon for Tibia fracture and remain as indoor patient thrice between 10.05.2012 to 15.08.2012. The appellant has not been awarded any compensation on account of attendant.

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is re-assessed as under:-

On account of medical expenses	Rs.3,51,254/-
Pain and suffering	Rs.50,000/-
Special Diet, Attendant & Transportation	Rs.50,000/-
Loss of income during the treatment period of four months @ Rs.5200/-	Rs.20800/-
Total compensation	Rs.4,72,054/-
Enhanced compensation	4,72,054-4,22,054=Rs.50000/-

The enhanced amount of compensation of Rs.50,000/- 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, in view of the judgment of Hon'ble the Supreme Court in a case of ***Shri Nagar Mal and ors vs. The Oriental Insurance Co. Ltd and others,*** passed in Civil Appeal No. 448-2018., decided on 19.01.2018. The

remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

03.05.2018
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>