

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 5714 of 2013 (O&M)

Date of Decision: 23.03.2018

Rajinder Singh alias Rajwinder Singh

.....Appellant

Versus

Suresh and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajbir Singh, Advocate
for the appellant.

Mr. R.N. Singal, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 10.07.2013 passed by the Motor Accidents Claims Tribunal, Sangrur (for short 'the Tribunal').

In a motor vehicular accident that took place on 14.01.2011 Budhu Singh aged 22 years was going on his motor cycle bearing registration No. PB13T-1023 and Rajinder Singh was the pillion rider, a New Truck which was having no registration number loaded with soil struck the motor cycle. The Truck was being driven rashly and negligently. Budhu Singh died on the spot and Rajinder Singh received injuries.

A claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') by the appellant. The Tribunal awarded a sum of Rs.11,13,566/- alongwith interest at the rate of 7.5% per annum.

Learned counsel argued that the appellant was a labourer and after amputation of leg inspite of artificial limb, he was not able to have

100% working efficiency. He was hospitalized for almost two months i.e. from 14.1.2011 to 6.3.2011. His grievance is that the amount awarded under various heads is on the lower side.

Learned counsel for the Insurance Company argued that already approximately Rs. 7,00,000/- has been awarded for permanent disability and this court should not interfere for further enhancement.

The appellant was aged 33 years at the time of accident. As per the claim petition itself he claimed himself to be a labourer. There cannot be any monetary compensation to put the appellant in his original position, still the endeavour is to compensate him to the extent the money can.

Keeping in view the type of injury and apart from having functional disability he will lead his rest of life in pain and his suffering would be unending.

The amount awarded of Rs.11,13,566/- is enhanced by Rs.1,00,000/-.

The appellant would be entitled to enhanced amount along with interest at the rate of 6% per annum from the date of filing of the claim petition till realization of the amount.

The appeal is partly allowed in the above said terms.

(AVNEESH JHINGAN)
JUDGE

23.03.2018
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Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No