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

**FAO No.5146 of 2014
Date of Decision: 12.11.2018**

Jagdish Chander

Appellant

Versus

Satish Kumar and others

Respondents

2.

FAO No. 5319 of 2014

Rajinder Kumar

Appellant

Versus

Satish Kumar and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J.P. Sharma, Advocate
for the appellant.

AVNEESH JHINGAN, J (Oral):

These are two appeals arising out of award dated 26.03.2014 passed by the Motor Accident Claims Tribunal, Karnal (for brevity 'the Tribunal').

2. The brief facts of the case are that on 28.06.2010, Rajinder Kumar alongwith his father Jagdish Chander and his relative Sanjiv Kumar were going to Nissing from Karnal on motorcycle bearing registration No. HR-05Z-6812. The said vehicle

was being driven by Sanjiv Kumar. When they reached near Desi Wine Shop on Chirao Turning, Dadupur Jungle, Karnal, their motorcycle was hit by rashly and negligently driven Force Trump-15 bearing chassis No. MCIBIAMA ZAA00141 and engine No. D0006664. As a result of the impact, the occupants of the Motor Cycle fell down and received injuries. FIR No.406, dated 04.07.2010 was registered at Police Station, Sadar, Karnal.

3. Two claim petitions were filed under Section 166 of the Motor Vehicles Act, 1988 (for brevity 'the Act'). The Tribunal, after considering the facts and appreciating the evidence adduced, awarded a compensation of ₹45,000/- to Rajinder Kumar and ₹20,000/- to Jagdish Chander. The compensation was to be paid alongwith interest @ 7.5% per annum. The present appeal has been filed for enhancement of compensation.

4. Learned counsel for the appellant contended that the injured persons met with an accident in Karnal. They were admitted to Civil Hospital, Karnal from where they were referred to PGI, Chandigarh. The treatment record of PGI, Chandigarh was proved by deposition of Naveen Sharma. He further argued that the amount awarded for pain and suffering, transportation and special diet in both the cases are on the lower side.

5. From the perusal of paper book and relevant documents produced by the appellant, it is evident that there was no permanent disability. The Tribunal has already reimbursed the medical expenses incurred by the appellants. The Tribunal has awarded compensation

for loss of income also.

6. Keeping in view the fact that the appellants were referred to PGI, Chandigarh, for which they needed transportation and attendant(s) atleast for the duration they remained admitted in PGI, Chandigarh, the amount awarded by the Tribunal to both the appellants is enhanced by ₹15,000/- each.

7. It is, however, clarified that while enhancing the amount, the interest to be awarded under Section 171 of the Act has also been considered.

8. The appeals are partly allowed.

[AVNEESH JHINGAN]
JUDGE

November 12, 2018

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| 1. Whether speaking/ reasoned | : | Yes/ No |
| 2. Whether reportable | : | Yes/ No |