

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

**234**

**FAO No.395 of 2015 (O&M)  
Date of Decision : 03.10.2018**

Hari Singh

..... Appellant

Versus

Gurwinder Singh and another

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present: Mr. Madhur Goyal, Advocate  
for the appellant.

Mr. Pradeep Sharma, Advocate for  
Mr. Subhash Goyal, Advocate  
for respondent No.2.

**\*\*\***

**AJAY TEWARI, J. (Oral)**

This is an appeal for enhancement of compensation and for modifying the award dated 14.10.2014 passed by the Motor Accident Claims Tribunal, Sangrur granting compensation of Rs.1,66,000/- alongwith interest @7.5% per annum in favour of the appellant and against the respondents.

The brief facts of the case are that on 09.01.2010 the claimant was going to village Pangarian from Village Mohali Kalan on his scooter bearing registration No.PB-13G-9834 and his sister-in-law was on the pillion of the scooter on normal speed. When they reached just ahead of Indian Petrol Pump in village Sandour, a Scorpio bearing registration No.PB-18K-5737 being driven by respondent No.1 in a rash

and negligent manner came from the opposite direction and hit into the scooter, as a result of which they both fell down on the ground and received injuries. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Counsel for the appellant states that nothing has been awarded on account of the fact that the appellant had to remain on earned leave from 10.01.2010 to 23.12.2010 and he should get 300 days salary.

Counsel for respondent No.2-insurance company points out that as per the claimant's own witness he was granted salary for that period. That may be so. But it cannot also be lost sight of that Government servants are entitled to accumulate 300 days leave which can be encashed. The period in the present case is more than 300 days.

Counsel for respondent No.2-insurance company on the other hand states that though on the date of the accident the appellant was 46 years old and if he is given 300 days salary then he would also be in a position to accumulate more earned leave and he will then ultimately end up getting the benefit of earned leave twice.

Keeping in view the fact that at that time the appellant was 46 years of age, I deem it appropriate to grant him salary for the loss of income of 150 days at the rate which he was drawing on the date of the accident.

Counsel for the appellant states that in the present case interest @7.5% per annum has been awarded whereas in a latest judgment passed in *Magma General Insurance Company Ltd., Vs. Nanu Ram @*

*Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP*

***(Civil) No.3192 of 2018 decided on 18.09.2018*** the Supreme Court had awarded interest @12% per annum. In the circumstances, the entire compensation would carry interest @ 12% from the date of filing of claim petition till the date/s of payment.

Appeal is allowed in the above terms and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**03.10.2018**  
*pooja sharma-I*

**( AJAY TEWARI )**  
**JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No