

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

FAO No.6106 of 2014(O&M)

Date of decision: 18.1.2018

Vineet Arora

.....Appellant

VERSUS

Mahinder Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Amit Singla, Advocate for the appellant.

Mr. Pankaj Mehta, Advocate for respondent No.1.

Mr. R.C. Gupta, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

Vineet Arora filed the instant appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Hisar (in short 'the Tribunal') in regard to injuries sustained by him in a motor vehicular accident that took place on 28.02.2011.

The Tribunal has awarded compensation to the tune of Rs.1,41,399/-, detailed herein:-

Pain and suffering	Rs.40,000/-
Diet for 3 months @ Rs.3000/- p.m.	Rs.9,000/-
Attendant Charges @ Rs.1,000/- p.m.	Rs.3,000/-
Transportation charges	Rs.3,000/-
Expenses on medicines/treatment	Rs.86,399/-

Counsel for the claimant has submitted that Vineet Arora

sustained fracture right femur, both bones right leg and basal fracture neck

of femur left side as deposed by Dr. Parveen Chawla PW-11 under whose treatment the injured/victim remained as an indoor patient in Chawla Nursing Home, Model Town, Hisar. It is further argued that the injured also lost teeth in the upper front region and advised for fixed bridge, evident from the documents Ex.P50 and P51 and disability certificate Ex.P75. It is further argued that as per disability certificate, injured suffered disability to the extent of 35% because of restricted movement of right knee, ankle joint and limping. It is argued with vehemence that the claimant is entitled to compensation qua loss of income in regard to disability, loss of amenities of life and loss of matrimonial prospects.

Counsel representing the insurance company has supported assessment made by the Tribunal. It is argued that the claimant did not examine any member of the Handicapped Board to prove the disability certificate Ex.P75.

Perusal of the disability certificate would reveal that disability has been assessed by the Handicapped Board consisting of Orthopaedic Surgeon, counter-signed by Chairman, Handicapped Board as well as Senior Medical Officer, General Hospital, Fatehabad. The same has been issued by public servants in discharge of their official duties. The proceedings before the Tribunal are summary in nature and do not admit strict principles of law of evidence. The injuries sustained by victim have been proved by Dr. Parveen Chawla. Under the circumstances, the Tribunal has committed an error by ignoring the disability certificate Ex.P75 and refusing to grant compensation qua disability suffered by the victim.

Counsel for the appellant has fairly informed that the victim is doing job in Irrigation Department, Haryana. He was a student at the time of occurrence. Under the circumstances, interest of justice would be served if the victim is awarded compensation of Rs.70,000/- at the rate of Rs.2,000/- per percent qua permanent disability suffered by him. He shall be entitled to an amount of Rs.50,000/- towards loss of amenities of life and matrimonial prospects. In this manner, additional amount of Rs.1,20,000/- shall be payable with interest at the rate of 7.5% per annum from the date of petition till realisation.

The appeal is partly allowed in the aforesaid terms.

JANUARY 18, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no