

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

FAO-5168-2015 (O&M)
Date of decision: 01.03.2018

Suresh

... Appellant

VS

Raghubir & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Monika Jangra, Advocate
for the appellant.

Mr. S.K.Birla, Advocate
for respondents No.1 and 2.

Mr. P.S.Bedi, Advocate
for respondent No.3.

Hari Pal Verma, J.(Oral)

The claimant has filed the present appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Bhiwani (in short 'the Tribunal') vide award dated 27.04.2015.

The appellant had filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on account of injuries suffered by him in a motor vehicular accident, which took place on 19.02.2012. The Tribunal after considering all aspects awarded a total compensation of Rs.3,30,000/- along with interest @ 7% per annum from the date of filing of the petition till its realisation. The Tribunal calculated the compensation in the following manner:

<i>Sr. no.</i>	<i>Head under which compensation is granted</i>	<i>Amount in rupees</i>
1	Compensation on account of medical expenses incurred on the treatment	Rs.1,80,000/-
2	Compensation on account of permanent visual disability of left knee upto 14%	Rs.1,00,000/-
3	Compensation on account of nourish diet	Rs.20,000/-
4	Compensation on account of transportation	Rs.5,000/-
5	Compensation on account of pain and sufferings	Rs.25,000/-
	Total compensation	Rs.3,30,000/-

Feeling aggrieved against the award dated 27.04.2015 passed by the Tribunal, the appellant has filed the present appeal.

Learned counsel for the appellant has argued that while passing the impugned award, no amount of compensation has been awarded towards loss of income and attendant charges.

Learned counsel for the respondents submits that adequate compensation has already been awarded. The Tribunal has awarded compensation towards medical expenses and other heads on the basis of evidence so, adduced by the appellant, therefore, there is no scope of further enhancement of compensation.

I have heard learned counsel for the appellant.

No doubt, on account of injury suffered by the claimant/appellant, the Tribunal has awarded sufficient amount of Rs.1,80,000/- towards medical expenses but the award shows that no amount has been awarded under the head of loss of income and attendant charges.

Admittedly, the claimant suffered multiple grievous injuries in the accident

and after the accident, he was taken to Sapra Hospital, Hisar. The claimant suffered permanent disability of left knee upto 14% for which he was operated at two different times. For the injury like the present one, for which claimant was operated twice, though sufficient amount has been awarded by the Tribunal under various heads such as special diet, pain and suffering and transportation, however, it is possible that the claimant would not have been able to resume his work immediately after his surgery. Some rest must have been advised by the doctor and due to which there was a loss of income to the claimant for that period. Therefore, this Court finds that the claimant is entitled to have an addition of Rs.30,000/- towards loss of income. Similarly, after surgery, the claimant must have availed the services of an attendant and therefore, another amount of Rs.20,000/- is awarded under the head of attendant charges. It is further ordered that the claimant shall be held entitled to interest @ 7.5% per annum on the enhanced amount from the date of filing of the claim petition till its realisation.

With aforesaid modification i.e. enhancement of Rs.50,000/-, the present appeal is disposed of.

01.03.2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No