

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

FAO No. 5860 of 2015 (O&M)

Date of decision:- 02.02.2018

Salim (Minor)

...Appellant

Versus

Jakir Hussain & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Kanwal Goyal, Advocate/Amicus Curiae
for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No. 3

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 05.12.2013 passed by the learned Motor Accident Claims Tribunal, Nuh (for short, 'the Tribunal') to the tune of Rs.10,000/-.

FACTS NOT IN DISPUTE

On 12.02.2013, complainant Jamil along with his son-appellant was going to Ujina for purchasing clothes, on motorcycle bearing registration No. HR-30-D-7721 driven by Jamil. When they reached near Hotel at village Bibipur (Kalinjar) in the area of Police Station Nuh, in the meantime, a vehicle bearing registration No. HR-28-D-0158 driven by respondent No. 1 came from opposite side and hit the motorcycle, as a result of which the claimant-appellant fell down on the right side of the road and sustained injuries on both legs, right hand, head and all over the body

The Tribunal awarded only Rs.10,000/- to the appellant on

account of the injuries suffered by him

The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced, as the appellant remained under treatment from 12.02.2013 to 27.02.2013 and further the appellant sustained injuries on both legs, right hand, head and all over the body.

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is re-assessed as under:-

For stay in the hospital	Rs.15000/-
Pain and suffering	Rs.10,000/-
Special Diet	Rs.10,000/-
Total compensation	Rs.35,000/-
Enhanced compensation	35,000-10,000=Rs.25000/-

The enhanced amount of compensation of Rs.25,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of ***Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539***. Remaining conditions of disbursement of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

02.02.2018
G Arora

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No