

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

**FAO No. 5105 of 2016
Date of decision:- 07.03.2018**

Rajesh ...Appellant

Versus

Ramdev Ram and Others ...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikrant Hooda, Advocate,
for the appellant.

Ms. Vandana Malhotra, Advocate,
for insurance company.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Jhajjar (hereinafter referred to as 'the Tribunal') vide award dated 19.11.2015, on account of injuries sustained by the claimant-Rajesh in a motor vehicular accident which took place on 28.05.2013.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on on 28.05.2013, Claimant was on his way from Jhajjar to Village Dadri Toe on his motorcycle bearing registration No. HR-14D-9439 and reached near Canal bridge of Village Dadri Toe. In the meanwhile, respondent No. 2 came from behind on Scorpio vehicle bearing registration No. MH-31DV-6565 (the offending vehicle) driving the same in a rash and negligent manner and hit his motorcycle. As a result of this, he fell down and suffered

multiple injuries on his person. He noted down the registration number of the offending vehicle and on his being asked, respondent No. 2 also disclosed his identity. He was shifted to Civil Hospital, Jhajjar where he was given first aid by the doctors. Thereafter, he was shifted to Maharaja Aggarsain Hospital, New Delhi where he remained admitted w.e.f. 28.05.2013 to 04.06.2013. In this regard, an FIR No. 337 Ex. P5 dated 28.05.2013 under Sections 279/337 IPC lodged at Police Station Jhajjar against respondent No.2.

Consequently, claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of negligent driving of offending vehicle by respondent No.2. Appellant/claimant suffered grievous injuries, admitted in Hospital. On the basis of documentary evidence placed on record Tribunal awarded compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Compensation on account of pain and suffering	Rs. 25,000/-
(ii)	Compensation on account of medical bills	Rs.7,218/-
(iii)	On account of expenses on transportation	Rs.20,000/-
	Total Compensation Awarded	Rs.52,218/-

Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

REASSESSED COMPENSATION

The fact of accident is admitted and proved.

A perusal of the Award shows that Claimant has suffered various injuries and due to the accident he remained in hospital for about one week and suffered physical and mental agony. He also spent more than Rs. 1 lac on his medical treatment, transportation, special diet and attendant charges.

Keeping in view the facts and circumstances, compensation assessed by the Tribunal did not consider the amount that was spent by the claimant during the time, when he remained in hospital for a week.

In the present case, this court reassessed the amount of compensation by adding the compensation towards special diet(all other heads will remain same) as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Compensation on account of pain and suffering	Rs. 25,000/-
(ii)	Compensation on account of medical bills	Rs.7,218/-
(iii)	On account of expenses on transportation	Rs.20,000/-
(iv)	On account of special diet and stay in hospital	Rs.10,000
	Total Compensation Awarded	Rs.62,218/-
	Total Enhanced amount of Compensation	Rs.62,218-52,218=Rs.10,000/-

The enhanced amount of compensation of Rs.10,000/- shall be payable within a period of two months from the date of receipt of certified copy of this order. As per the judgment of Hon'ble Supreme Court in case **Shri Nagar Mal and Ors versus The Oriental Insurance**

Company Ltd. And Ors decided on 19.01.2018 the enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization. Remaining conditions of disbursal of amount shall remain unaltered.

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

07.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>