

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

FAO No. 784 of 2014 (O&M)

Date of decision:- 01.02.2018

Sanjay

...Appellant

Versus

Ramesh & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Ashish Grewal, Advocate
for the appellant.

Mr. Subhash Goyal, 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 10.10.2013 passed by the learned Motor Accident Claims Tribunal, Palwal (for short, 'the Tribunal') to the tune of Rs.1,04,000/-.

FACTS NOT IN DISPUTE

On 12.05.2011, claimant along with other passengers was travelling in a three wheeler bearing registration No. HR-74-5351 from Kanwarka to Palwal and when they reached near Deeghot, in the meanwhile, the offending jeep bearing registration No. HR-36-P-2527 driven by respondent No. 1 came from opposite side and hit the three wheller from its front. All the occupants sustained grievous and multiple injuries

The Tribunal awarded the compensation to the claimant as mentioned below:-

On account of actual suffering

Rs.82000

Physical pain and mental agony	Rs.10,000/-
Loss of income during the treatment period of two month @ Rs.4500/-	Rs.9000/-
Attendant, Special Diet and Transportation expenses	Rs.3000/-
Total	Rs.1,04,000/-

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 received grievous injuries including on head and left hand resulting into his permanent disablement.

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

On account of actual suffering	Rs.82000
Pain and suffering	Rs.15,000/-
Loss of income during the treatment period of two month @ Rs.4500/-	Rs.9000/-
Special Diet, Attendant Charges	Rs.10,000/-
Total compensation	Rs.1,16,000/-
Enhanced compensation	1,16,000-1,04,000=Rs.12000/-

The enhanced amount of compensation of Rs.12,000/- 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.

01.02.2018
G Arora

(*RITU BAHRI*)
JUDGE

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