

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6343 of 2015

Date of Decision: 10.01.2018

Sh. Ramakant @ Lal Bachan

... Appellant

Versus

Sh. Daulat Ram & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Amandeep Kaur, Advocate,
for the petitioner.

Mr. Parminder Singh, Advocate,
for respondent No.1.

Mr. Lalit Garg, Advocate,
for respondent No.3-Insurance Company.

HARI PAL VERMA, J.(Oral)

Injured-claimant has filed the present appeal seeking modification of the award dated 27.05.2015 passed by the learned Motor Accident Claims Tribunal, SAS Nagar, Mohali.

As per the claim petition filed under Section 166 of the Motor Vehicles Act, the claimant suffered an injury in a motor vehicular accident, which took place on 12.10.2013. At the time of accident, the claimant was moving on the road, holding his rehri in his hand. When he reached in front of bus stop of Village Chhat, the offending vehicle came from the opposite direction and struck against his rehri. As a result thereof, the claimant fell on the road and received multiple injuries. He was taken to Government Medical College and Hospital, Sector 32, Chandigarh, where he was operated upon for injuries/fractures on his left arm and left foot. As per the claimant, he remained admitted in hospital from 14.10.2013 to 23.10.2013. The Tribunal has awarded a compensation of ₹25,000/- which included medical bills,

whereas ₹10,000/- were granted on account of pain and suffering. The appellant has now sought enhancement of compensation.

Learned counsel for the appellant has argued that the claimant had to undergo surgery at two different stages i.e. on left arm and the other on left foot. He is a labourer, a rehri puller and on account of injury so suffered in the accident he remained without work and was confined to hospital and could not perform his work. The appellant had to take special diet and had to arrange for transportation as well. Therefore, the award needs to be modified. Learned counsel has further argued that since no amount under the head of special diet, transportation and attendant charges etc. has been granted, claimant is entitled for the same.

On the other hand, learned counsel for the respondent-Insurance Company has argued that taking into consideration the nature of injuries and the fact that the appellant remained in hospital only for 10 days, the Tribunal has already awarded adequate compensation and he is not entitled for any enhancement.

I have heard learned counsel for the parties.

So far as medical reimbursement part is concerned, the claimant had raised a bill of ₹13,350/-, which had duly been granted. However, on account of two different injuries, i.e. fracture on the left arm and fracture on the left foot, amount of ₹10,000/- has been granted under the head of pain and suffering, which this Court feels, needs to be enhanced as he had to undergo two different surgeries at two different occasions. Therefore ₹10,000/- is enhanced to ₹20,000/-. Similarly, the claimant is a poor person being a rehri puller and a high protein diet must have been required so as to resume his day to day earning, therefore, another amount of ₹10,000/- is allowed to him. In

this manner, the award is modified and an additional amount of ₹20,000/- is awarded to the appellant. This enhanced amount of ₹20,000/- shall be over and above the amount of compensation already ordered to the appellant and shall carry interest @ 7.5% per annum from the date of filing of claim petition till realization.

10.01.2018
monika

(HARI PAL VERMA)
JUDGE

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