

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

FAO No. 6352 of 2015 (O&M)

Date of decision:- 08.05.2018

Sombir

...Appellant

Versus

Joginder & another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Harkesh Manuja, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for respondent No. 3

RITU BAHRI J. (Oral)

C.M. No. 19986-CII-2015

For the reasons mentioned in the application, delay of 397 days
in re-filing of the appeal is hereby condoned.

The application stands disposed of accordingly.

F.A.O No. 6352-2015

The present appeal has been preferred by the injured-appellant
(for short 'the appellant'), against award dated 20.01.2014 passed by the
learned Motor Accident Claims Tribunal, Hisar (for short, 'the Tribunal') to
the tune of Rs.2,52,000/-.

FACTS NOT IN DISPUTE

On 13.10.2012, claimant was going from his house to Hansi on
motorcycle bearing registration NO. HR-21-E-2843. When he reached near
Gagan Kheri Mor towards Hansi, respondent NO. 1 who was driving cruiser
vehicle bearing registration No. HR-39-B-1490 in a rash and negligent
manner, came from opposite side and hit against the motorcycle of the

claimant-appellant. Due to the impact, the appellant sustained grievous and multiple injuries

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

On account of medical expenses	Rs.1,72,000/-
Loss of income during the	Rs.20000/-
Pain and suffering	Rs.20000/-
On account of injuries	Rs.40000/-
Total	Rs.2,52,000/-

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 has not been given anything under the head transportation, attendant, special diet etc.

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 medical expenses	Rs.1,72,000/-
Loss of income	Rs.20000/-
Pain and suffering	Rs.30000/-
On account of injuries	Rs.40000/-
Special Diet, Transportation and attendant	Rs.30000/-
Total	Rs.2,92,000/-
<i>Enhanced compensation</i>	<i>2,92,000-2,52,000=Rs.40000/-</i>

The enhanced amount of compensation of Rs.40,000/- 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 @ 7.5% per annum from the date of filing of the claim petition, in view of the judgment of Hon'ble the Supreme Court in a case of ***Shri Nagar Mal and ors vs. The Oriental Insurance Co. Ltd and others, passed in Civil Appeal No. 448-2018., decided on 19.01.2018.*** The remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

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

08.05.2018

G Arora

(***RITU BAHRI***)***JUDGE******Whether speaking/reasoned******Yes******Whether reportable******No***