

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 9011 of 2014 (O&M)

Date of Decision: 15.05.2018

Jai Bhagwan Singh

.....Appellant

Versus

Ravinder Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Bhavna Grewal, Advocate for
Mr. S.K. Yadav, Advocate
for the appellant.

Mr. Abhinav Gupta, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.(oral)

The present appeal has been filed against the award dated 22.04.2014 passed by the Motor Accident Claims Tribunal, Narnaul (for short 'the Tribunal').

The appellant aged 70 years met with a motor vehicular accident on 21.05.2012. The offending vehicle in the said accident was Pickup bearing registration No. HR-66-5645 He was hit by the offending vehicle and as a result of the accident he suffered fracture on his left foot and received other serious injuries also. He was rushed to General Hospital, Narnaul from where he was taken to Asopa Hospital, Jaipur. FIR No. 144 dated 30.05.2012 was registered at Police Station Nangal Chaudhary.

In a claim petition filed by the appellant under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), the Tribunal awarded a sum of Rs.1,50,000/- alongwith interest at the rate of 7-1/2 % per annum.

The amount awarded included reimbursement of medical bills of

Rs.48,970/-.

The present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant argued that the appellant suffered 20% permanent disability qua the lower limb. He was hospitalized for 8 days and underwent surgery also. The amount awarded in lumpsum is on the lower side.

Learned counsel for the insurer of the offending vehicle defended the award and resisted any enhancement.

Keeping in view the circumstance of the case, the amount awarded by the Tribunal is enhanced by Rs.25,000/-. It is clarified that while awarding the lumpsum enhancement interest be awarded under Section 171 of the Act has to be taken into consideration.

15.05.2018

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No