

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

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Date of Decision : 13.07.2018

1. FAO No.7621 of 2015 (O&M)

Hawa Singh

..... Appellant

Versus

Tek Chand and others

..... Respondents

2. FAO No.8424 of 2015 (O&M)

Rohit

..... Appellant

Versus

Tek Chand and others

..... Respondents

3. FAO No.8317 of 2015 (O&M)

Sunny

..... Appellant

Versus

Tek Chand and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Surender Saini, Advocate
for the appellant(s).

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

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned three appeals.

For the sake of convenience the facts are being taken from FAO No.7621 of 2015.

FAO No.7621 of 2015

This appeal has been filed against the award dated 21.07.2015 passed by the Motor Accident Claims Tribunal, Sonapat granting compensation of Rs.2,75,000/- and interest @ 7.5 % per annum.

The brief facts of the case are that on 23.10.2013 at about 10.00 a.m. Claimants Sunny, Rohit and deceased Arun were going from Village Pipli to Firozpur Bangar on motorcycle bearing No.DL-4SBN-1462 and when they reached near wine shop, Pipli then the offending vehicle bearing No.HR-63-9596, being driven by respondent No.1 in rash and negligent manner and at high speed, came from the opposite side and struck into the motorcycle of the claimants, due to which claimants Sunny, Rohit and Arun fell down on the road and sustained multiple injuries on their persons. It is further stated that after sustaining multiple, grievous and serious injuries in the accident, injured Arun was taken to PGIMS, Rohtak where he died during the treatment. Claim petition was filed. The Tribunal held that the accident had been caused by the rash and negligent driving of the respondent No.1 and ordered the compensation as mentioned above.

Learned counsel for the appellant(s) has argued that the compensation of Rs.2,75,000/- awarded for the death of 14 years old boy is highly inadequate.

Learned counsel for the insurance company states that the income should be fixed on the basis of ***Krishan Gopal and another Vs. Lala and others, 2013(4) RCR (Civil) 276.***

Learned counsel for the appellant(s) points out that that judgment was delivered in the context of an accident which had taken place some decades ago and this judgment has been now considered by this Court in ***Usha Rani and another Vs. Arvind and others bearing FAO No.1717 of 2014 decided on 27.09.2016*** where after considering ***Krishan Gopal and another's case (supra)*** and after taking into account the time which has elapsed compensation of Rs.6,43,580/- had been awarded for a death of 15 years old boy. In the present case since the deceased was 14 years old in my considered opinion, the compensation should be tagged at Rs.6,00,000/-. The interest etc. would remain unchanged.

Appeal stands allowed.

FAO No.8424 of 2015

This appeal has been filed against the award dated 21.07.2015 passed by the Motor Accident Claims Tribunal, Sonapat vide which compensation of Rs.5,000/- has been awarded to the claimant for injuries.

Learned counsel for the appellant(s) has argued that only Rs.5,000/- has been awarded. I find from the record that apart from his bald statement that he had received grievous injuries neither any medical report nor any bill nor any medicine etc. were shown to have been purchased.

The tribunal noticed that as per the MLR it was shown that he had sustained a simple injury. In these circumstances, award of Rs.5,000/- is adequate.

Appeal stands dismissed.

FAO No.8317 of 2015

This appeal has been filed against the award dated 21.07.2015 passed by the Motor Accident Claims Tribunal, Sonapat vide which compensation of Rs.77,400/- has been awarded to the claimant for injuries.

Learned counsel for the appellant(s) has argued that once it was proved that the appellant had been diagnosed with fractured right side subtrochantric femur for which plating was done the amount awarded for pain and suffering and for attendant expenses and special diet were highly inadequate because only an amount of Rs.12,600/- was paid for attendant charges and only an amount of Rs.20,000/- was awarded for pain and suffering.

I find some merit in this argument. This kind of fracture would have rendered the appellant immobile for a much longer period than he has hospitalized. On this ground the compensation for the pain and suffering is also inadequate.

On both these heads compensation is increased by Rs.23,600/- cumulatively.

Appeal stands allowed.

Since the main cases have been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

(**AJAY TEWARI**)
JUDGE

13.07.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No