

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO No.1031-2017 (O&M)
Date of decision : 20.11.2018

Narender

..Appellant

vs.

Jarnail and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Shilak Ram Hooda, Advocate
for the appellant.

Mr. Radhey Sham Sharma, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 6.10.2016 passed by the Motor Accident Claims Tribunal, Sonapat granting compensation of Rs.25000/- along with interest @8% per annum in favour of the appellants.

Since a very limited point has been raised further detailed reference to the facts is not necessary.

Learned counsel for the appellant has stated that six teeth of upper jaw and three teeth of lower jaw of the appellant were broken in the said accident, thereafter another nine teeth were extracted and total eighteen teeth were installed. The appellant was under treatment for seven months in this process. He argued that the Tribunal had awarded only a sum of Rs.2000/- for special diet and Rs.10,000/- for pain and suffering and loss of income which is highly inadequate. Counsel for the respondent No.3 has

under the heads of special diet, pain and suffering and loss of income.

Counsel for the appellants states that interest @ 8% per annum has been awarded whereas in *Magma General Insurance Company Ltd. Supra* reported as *2018 (4) R.C.R.(Civil) 333* the Supreme Court had awarded interest @12% per annum. I find this to be a fair request. In the circumstances, the enhanced compensation would carry interest @12% per annum from the date of the filing of the claim petition till the date of payment.

Rest of the award shall remain unchanged.

Appeal is allowed in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

20.11.2018
poonam (II)

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/no
Whether reportable :	Yes/no