

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

**F.A.O No. 6977 of 2016
Date of decision:- 22.02.2018**

Ayaan	Versus	...Appellant
Satveen Singh and Others		...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Bali, Advocate,
for the appellant.

Ms. Vandana Malhotra, Advocate,
for respondent No. 2.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') vide award dated 17.05.2016, on account of injuries sustained by the claimant-Ayaan in a motor vehicular accident which took place on 02.06.2015.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 02.06.2015, at about 6.30 pm Ayaan along with his mother was going to park, Sector -29B, Chandigarh. When they reached near Traffic Line Gate, Sector 29 B, Chandigarh, then a motorcyclist came driving his motorcycle bearing Registration No. CH01-AF-4743 in rash and negligent manner and on high speed, from back side and hit the injured. Due to impact, he fell

down on the road and sustained multiple injuries. The accident took place because of rash and negligent driving of motorcycle. In this regard, FIR No. 157 dated 05.06.2015 also lodged for causing the accident.

Consequently, claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of negligent driving of offending vehicle by respondent No.1. Appellant/claimant sustained multiple injuries on his body due to the accident and due to fracture of femur bone of right leg, he was immediately taken to GMCH, Sector 32, Chandigarh and thereafter, he was treated at Raffles Hospital, Panchkula. Dr. Rajnish Sood as PW3 who brought record regarding disability certificate to claimant Ayaan and same is proved as Ex. P38. He has stated that x-ray shows fully united fracture of left femur, however, there was slight wasting thigh muscles and shortening of 0.5 cm which is permanent physical disability and same is assessed as 3% by the Medical boardOn the basis of documents placed on record Tribunal awarded compensation as under: -

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Medical expenses	Rs.64,047/-
(ii)	Loss of future income	Rs.50,000/-
(iii)	For pain and suffering	Rs.50,000/-
(iv)	For special Diet	Rs. 50,000/-
(v)	For loss of amenities	Rs.50,000/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
	Total Compensation	Rs.2,64,047/-

Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

REASSESSED COMPENSATION

The fact of accident is admitted and proved. A perusal of the Award shows that Claimant was only 5 years old at the time of accident occurred and has suffered fracture of left femur and x-ray showing, as there was slight wasting thigh muscles and shortening of 0.5 cm which is permanent physical disability and the same is assessed as 3%..

Keeping in view the facts and circumstances, compensation assessed by the Tribunal is on lower side which required to be reassessed after considering the disability certificate as well as age of the cliamnt.

In the peculiar facts and circumstances of the case, to meet the ends of justice and compensation awarded by the Tribunal requires to be reassessed and reassessed compensation amount as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Medical expenses	Rs.64,047/-
(ii)	Loss of future income	Rs.100,000/-
(iii)	For pain and suffering	Rs.1,50,000/-
(iv)	For special Diet	Rs. 50,000/-
(v)	For loss of amenities	Rs.1,50,000/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
	Total Compensation	Rs.5,14,047/-
	Enhanced amount of compensation	Rs.5,14,047 – 2,64,047=2,50,000/-

The enhanced amount of compensation of Rs.2,50,000/- shall be payable within a period of two months from the date of receipt of certified copy of this order. As per the judgment of Hon'ble Supreme Court in case **Shri Nagar Mal and Ors versus The Oriental Insurance Company Ltd. And Ors decided on 19.01.2018** the enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization. Remaining conditions of disbursal of amount shall remain unaltered.

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

22.02.2018
Riya Grover

(RITU BAHRI)
JUDGE

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