

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

239

**FAO-2113-2017 (O&M)
Date of Decision : 31.8.2018**

Kulwinder Singh

...Appellant

vs.

Malkiat Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Davider Dhillon, Advocate for
Mr. P.S. Dhaliwal, Advocate
for the appellant.

Mr. R.S. Sharma, Advocate
for the respondent No.2-insurance company.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 12.12.2016 passed under Motor Accident Claims Tribunal, Barnala awarding compensation of Rs. 1,21,000/- alongwith interest at the rate of 9% per annum on account of injuries sustained by Kulwinder Singh in an accident.

Brief facts of the case are that on 10.9.2015 the appellant-claimant was going to drop his brother Manjit Singh at Sacred Heart Convent School, Raikot Road, Barnala and after dropping him when the appellant was coming back, at about 7:10 a.m, a white coloured Indica Vista Motor Car came from the side of Sanghera driven by the respondent No.1 in a rash and negligent manner at a very high speed, struck at the back of the motor cycle and thereafter struck the said motor car against bullock cart which was coming from the side of Sekha Chowk. Due to

accident, the claimant was flung to a height of about 5-6 feet and fell on the road and sustained multiple injuries and this accident was witnessed by the brother of the appellant-Manjit Singh. With the help of the driver of vehicles of the said school the appellant was taken to Civil hospital Barnala from where he was shifted to C.M.C. Hospital, Ludhiana where he remained admitted from 10.9.2015 to 18.9.2015. The appellant has become permanently disabled due to this accident. Claim petition was filed and the Tribunal awarded the appellant abovesaid compensation.

Counsel for the appellant states that the appellant was in hospital for nine days and had suffered following injuries:-

1. lacerated wound 3x1 cm left parietal region
2. Another wound of 2x0.5 cm on left parietal region.
3. Abrasion on forehead.
4. Lacerated wound on left heel 3x1 cm
5. Abrasion on right hand.
6. Hemorrhagic cerebral contusions in right frontal and left parietal and temporal region sub-arachnoid hemorrhage involving the left parietal region.

Counsel for the appellant states that an amount Rs. 25,000/- has been awarded by the Tribunal for pain and suffering, hospitalization and loss of income which is highly inadequate. I find considerable weight in this argument. Counsel for the insurance company is not in a position to justify this fact. In the totality of the circumstances, I deem it appropriate to grant a sum of Rs.19,000/- more to the appellant under these heads.

Counsel for the insurance company however has pointed out that interest at the rate of 9% awarded by the Tribunal is highly excessive in today's regime. I find this to be correct. Therefore, I award 7.5% rate of

interest on the enhanced amount from the date of filing of the claim petition till the date of realization.

Resultantly, this appeal stands disposed of with the abovesaid modification.

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

31.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No