

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

F.A.O No. 2848 of 2017

Date of decision:- 13.03.2018

Hardeep Singh

...Appellant

Versus

Ranjit Singh and Others

...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Rajbir Singh, Advocate,
for the appellant.

Mr. A. K.Goyal, Advcoate,
for respondent Nos.2 and 3 (PRTC)

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as 'the Tribunal') vide award dated 09.08.2016, on account of injuries sustained by claimant Hardeep Singh in a motor vehicular accident which took place on 01.09.2015.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 01.09.2015, Jagwinder Singh and Hardeep Singh were coming back to their village Khadial on Splendour motorcycle bearing registration No.PB-13U-0269 after attending their classes at Asra College. Jagwinder Singh was driving the motorcycle and Hardeep Singh was pillion rider. At about 5 pm after crossing Phagguwala crossing when they reached near Gurdwara Sahib, Sunam Road, PRTC bus bearing registration No. PB-03AA 8017

being driven by respondent No. 1 in a rash and negligent manner came from the opposite site. The Said bus while overtaking the vehicle struck their motorcycle by coming on the wrong side. Respondent No.1 stopped the bus at some distance. Thereafter, he fled away from the spot alongwith the bus. Jagwinder Singh and Hardeep Singh both received multiple injuries. Their friends who were coming behind them arranged a vehicle with the help of people gathered at the spot and took both the injured to hospital. Jagwinder Singh was taken to Rajindra Hospital, Patiala from where he was referred to Amar Hospital, Patiala. He was further referred to Fortis Hospital, Mohali and from there to Government Medical College and Hospital, Sector 32, Chandigarh. Jagwinder Singh died on 04.09.2015 during the treatment at Chandigarh Hospital. In this regard, an FIR No. 73 dated 03.09.2015 under Sections 279/337/338/427 of Indian Penal Code, later on offence added under Section 304-A of the IPC was registered at Police Station Sadar, Sangrur against respondent No.1.

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.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. As per law prevalent at that time Tribunal assessed the compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Medical Expenditure	Rs.2,92,655/-
(ii)	Pain and suffering	Rs.50,000/-
(iii)	Transportation	Rs.10,000/-
(iv)	Special Diet	Rs.10,000/-
(v)	Expenditure of attendant	Rs.10,000/-
(vi)	Compensation for adversely affect on studies and future prospects	Rs.25,000/-
	Total Compensation awarded	Rs.3,97,655/-

Feeling dissatisfied with the impugned award, the claimant-appellants have 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. Learned Counsel for the appellant stated that claimant-Hardeep due to accident and injuries sustained by him in the accident he remained admitted in DMC, Ludhiana from 01.09.2015 to 15.09.2015 as indoor patient and he still on bed and getting treatment as outdoor patient. Learned Counsel further submitted that appellant also spent money on transportation and had suffered mental pain and agony and also suffered great loss of study, as he could not attend his classes in the college, and Tribunal awarded compensation on lower side.

Keeping in view the all facts and circumstances of the case, the compensation is being required to be reassessed as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Medical Expenditure	Rs.2,92,655/-
(ii)	Pain and suffering	Rs.55,000/-
(iii)	Transportation	Rs.15,000/-
(iv)	Special Diet	Rs.15,000/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(v)	Expenditure of attendant	Rs.15,000/-
(vi)	Compensation for adversely affect on studies and future prospects	Rs.50,000/-
	Total Compensation awarded	Rs.4,42,655-3,97,655=45,000/-

The enhanced amount of compensation of **Rs.45,000/-** 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.

13.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

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