

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4214 of 2017

Date of Decision: 01.05.2018

Rajbala

.....Appellant

Vs.

Anil Kumar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.S.S.Duhan, Advocate, for the appellant.

Mr.Suvir Dewan, Advocate, for
respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 07.11.2016, passed by the learned Motor Accident Claims Tribunal, Jind (for short, 'the Tribunal') vide which compensation to the tune of Rs.27,000/- was awarded to the claimant on account of injuries suffered by her in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 24.04.2015, the claimant along with his wife was going to village Narnaund to meet his in laws on Motorcycle No.HR-33B-8093. He was driving the motorcycle at proper speed on left side. When they reached near H.P.Gas Godown in the area of village Narnaund, then respondent No.1 while driving Cruiser Jeep No.HR-56A-8970 came from Narnaund side in a rash and negligent manner. He apprehending danger tok his motorcycle to the extreme left side but respondent No.1 brought his jeep to wrong side and hit his motorcycle, due to which he and his wife Smt.Rajbala fell on the road. They suffered multiple injuries in the accident. They were shifted to CHC Narnaund by the passersby from where they were referred to General Hospital, Jind. In this regard, FIR No.178 dated 26.04.2015 for the offence under Sections 279, 336 and 337 IPC has been lodged against respondent

No.1.

COMPENSATION ASSESSED BY MACT

The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Medical expenses	Rs.17,000/-
2.	Special diet and attendant	Rs.5,000/-
3.	Pain and suffering	Rs.5,000/-
	Total	Rs.27,000/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "**National insurance Company Ltd. Vs. Pranay Sethi and others passed in SLP (Civil) No.25590 of 2014.** On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

RE-ASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. The appellant was admitted on 24.04.2015 to 29.04.2015 i.e. 25 days. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgment, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Medical expenses	Rs.17,000/-
2.	Special diet and attendant	Rs.10,000/-
3.	Pain and suffering and transportation	Rs.10,000/-
4.	Transportation	Rs.10,000/-
	Total	Rs.47,000/-
	Enhanced amount of compensation	Rs.47,000/- ---Rs.27,000/- =Rs.20,000/-

Resultantly, the enhanced amount of compensation of Rs.10000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Shri Nagar Mal and Ors. Vs. The Oriental Insurance Company Limited and Others passed in Civil Appeal No.448 of 2018**. Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)
JUDGE

01.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No