

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

FAO No.4215 of 2017

Date of decision:- 16.03.2018

Makhan Singh

...Appellant

Versus

Sanjeev Kumar and Ors.

...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.J.S.Bhinder, Advocate, for the appellant.

Mr.Vinod Gupta, Advocate, for the respondents/Insurance Co.

RITU BAHRI J. (Oral)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 02.11.2015, passed by the learned Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal') vide which compensation to the tune of Rs.10,24,700/- was awarded to the claimant on account of injuries suffered by him.

FACTS NOT IN DISPUTE

On 17.10.2014, the applicant was going to the house of his in-laws at Sunam on motorcycle bearing registration No.PB AV 3728. At about 7:30 p.m. when he reached near truck union, Sangrur, a car bearing registration No.PB 10 EK 6115 being driven by respondent No.1 in a rash and negligent manner and at fast speed came from opposite side and struck against motorcycle being driven by the applicant. Due to the accident, the applicant along with his motorcycle fell down on the road and suffered injuries on his legs, thighs and his right foot was amputated. The applicant was admitted in Life Line Multispeciality Hospital, Sangrur, where he remained admitted from 17.10.2014 to 09.11.2014. An FIR No.337 dated 05.11.2014 was registered at Police Station City, Sangrur for the offence under Sections 279,337, 338 and 427 of Indian Penal Code against respondent No.1.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 26 years old and the claimants failed to produce on the record any documentary evidence regarding his income. Dr.Gurdeep Singh, Medical Officer, who proved the disability certificate of the applicant suffered permanent disability to the extent of 60%. Applying the multiplier of 17, amount of compensation on account of permanent disability of the applicant comes to Rs.12,75,000/- (Rs.6250 X12X 17) and by reducing the said amount to the extent of 60% i.e. to the extent of permanent disability, the amount of compensation comes to Rs.7,65,000/-. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1	Special diet	Rs.12,000/-
2.	Permanent Disability	Rs.7,65,000/-
3.	Pain and suffering	Rs.50,000/-
4.	Medical expenses	Rs.1,47,700/-
5.	Loss of amenities	Rs.50,000/-
	Total	Rs.10,24,700/-

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 SLP(C) 25590 of 2014 decided on 31.10.2017**". 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. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgments, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Special diet	Rs.12,000/-
2.	Permanent Disability	Rs.7,65,000/-
3.	Pain and suffering	Rs.50,000/-
4.	Medical expenses	Rs.1,47,700/-

5.	Loss of amenities	Rs.50,000/-
6.	Attendant transportation and	Rs.20,000/-
	Total	Rs.10,44,700/-
	Enhanced amount of compensation	Rs.10,44,700/- Rs.10,24,700/-=Rs.20,000/- ----

Resultantly, the enhanced amount of compensation of Rs.20,000/- 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 Ltd. And ors. 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.

16.03.2018
anil

(RITU BAHRI)
JUDGE

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