

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.367 of 2018

Date of Decision: 01.05.2018

Harpreet Singh

.....Appellant

Vs.

Inderjit Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Swarn Tiwana, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 28.08.2017, passed by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib (for short, 'the Tribunal') vide which compensation to the tune of Rs.71600/- was awarded to the claimant on account of injuries suffered in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 27.11.2015, claimant Harpreet singh and his brother Rajdeep Singh were talking each other by standing outside the Balwinder Truck Body Builder Workshop G.T.Road, Sirhind, then a bolero Jeep bearing Registration No.PB-23K-8522 came from bara Chowk side which was being driven by Inderjit Singh son of Jagir Singh respondent No.1 in a very rash and negligent manner and on very high speed and struck the jeep into deceased Nirbhai Singh and injured claimant and one another person. The claimant suffered multiple injuries and his left leg was fractured. A case bearing FIR No.169 dated 28.11.2015 for the offence under Sections 279/337/338/427/304A of IPC has been register against respondent No.1.

COMPENSATION ASSESSED BY MACT

The claimant was medically treated in KGM Bone Hospital Jalandhar and remained under treatment there from 27.11.2015 to 09.12.2015 and remained under treatment subsequently also. The medical evidence has been proved on file as Ex.C1 to ExC.19. 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	Pain and suffering	Rs.25,000/-
2.	Loss of income	Rs.25,000/-
3.	Actual treatment expenses	Rs.21,600/-
	Total	Rs.71,600/-

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. 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	Pain and suffering	Rs.25,000/-
2.	Loss of income	Rs.25,000/-
3.	Actual treatment expenses	Rs.21,600/-
4.	Special diet	Rs.15,000/-
5.	Transportation	Rs.10,000/-
	Total	Rs.96,600/-
	Enhanced amount of compensation	Rs.96,600/- --- Rs.71,600/-= Rs.25,000/-

Resultantly, the enhanced amount of compensation of Rs.25,000/- 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 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