

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

FAO No. 7413 of 2017

Date of decision:- 26.04.2018

Pankaj @ Pankaj Kumar

...Appellant

Versus

Zile Singh and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- None for the appellant.

Ms. Vandana Malhotra, Advocate
for respondent No. 3

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured-appellant (for short 'the appellant'), against award dated 11.04.2017 passed by the learned Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal') to the tune of Rs.67,161/-.

FACTS NOT IN DISPUTE

On 22.11.2014, the claimant/appellant was driving four wheeler No. HR-66A-6716 and was going from Bawal to village Shekhpura. When he reached near canal of village Tehara, a '*neel gai*' came in front of the four wheeler all of a sudden and struck against the four wheeler. The appellant was injured and was admitted to Birendra Hospital, Rewari. DDR No. 11 dated 22.11.2014 was registered at P.S. Bawal.

The Tribunal awarded Rs.37011/- on account of medical expenses, Rs.6800/- on account of ambulance charges, Rs.12,000/- on account of the disability, Rs.5000/- on account of loss of estate, Rs.5000/- on account of pain and suffering and Rs.1350 on account of expenses incurred on physiotherapy.

In the claim petition, the claimant-appellant contends that the compensation awarded by the learned Tribunal to the present appellant is on the lower side and deserves to be enhanced

After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is re-assessed as under:-

For stay in the hospital	Rs.10000/-
Pain and suffering	Rs.10,000/-
Special Diet and Transportation	Rs.10,000/-
Loss of Estate	Rs.5000/-
Expenses on physiotherapy	Rs.1350/-
Medical expenses	Rs.37011/-
Ambulance Charges	Rs.6800/-
Disability	Rs.12000/-
Total compensation	Rs.92,161/-
Enhanced compensation	92,161-67,161=Rs.25000/-

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 @ 9% 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 *Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539*. 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.

26.04.2018

G Arora

(*RITU BAHRI*)

JUDGE

Yes

No

Whether speaking/reasoned

Whether reportable