

FAO No.2493 of 2001

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

FAO No.2493 of 2001
Date of decision: 01.10.2019

Duli Chand

.....Appellant

versus

Jagdish and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Kushagra Beniwal, Advocate,
for Mr. N.S. Shekhawat, Advocate,
for the appellant.

Mr. Aseem Aggarwal, Advocate,
for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, appellant-claimant has sought enhancement of compensation, modifying impugned award dated 06.11.2000 of the Motor Accident Claims Tribunal, Narnaul (in short 'the Tribunal').

Briefly, on 20.01.1999, claimant riding on a bicycle around 11.00 a.m. when reached near Narula Hospital, Rewari Road, Narnaul, offending truck bearing registration No.HYD 1438, driven by respondent No.1 in a rash and negligent manner, struck against his bicycle and fled away from the spot. As a result thereof, appellant-claimant received multiple grievous injuries on his person.

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Being aggrieved, appellant-claimant filed claim petition under Section 166 of the Motor Vehicles Act, 1988 against the respondents, claiming compensation of ₹5,00,000/- for the injuries suffered by him in the accident.

The Tribunal, after holding trial, considering the medical bills of the appellant to the tune of ₹2,000/-, awarded him ₹12,000/- as compensation vide impugned award dated 06.11.2000.

Learned counsel for the appellant *inter alia* contends that the Tribunal ignoring the hospitalization of the appellant for seven days and remaining on bed for one month for healing his fracture has awarded meagre compensation.

Learned counsel for respondent No.3-Insurance Company refuting above submissions, pleaded the legality and validity of impugned award.

Having given thoughtful consideration to the rival submissions, appellant-claimant is held entitled to a lump sum compensation of ₹25,000/-, which includes interest. Respondent No. 3-Insurance Company, through its counsel is directed to deposit ₹13,000/- more over and above the compensation already awarded by the Tribunal within one month from today, for onward disbursement to the appellant-claimant in accordance with law against proper receipt and identification.

In case aforesaid enhanced amount is not deposited within stipulated time, Insurance Company would be liable to pay the same with

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interest @15% per annum from the date of institution of claim petition till realization.

Disposed of .

October 01, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No