

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.580-2001(O&M)
Date of decision: 24.07.2019

Nitesh Kumar

.....Appellant

versus

Raj Kumar and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Sahil Gupta, Advocate for
Mr.N.S.Shekhawat, Advocate for the appellant
Mr.Rajneesh Malhotra, Advocate for respondent no.4
Mr.Aman Mittal, Advocate for
Mr.A.S.Sidhu, Advocate for the respondent no.7

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Appellant was one of the passenger on the jeep which collided with a truck bearing Registration Number HR 34/5570 on 20.11.1998. In the said accident, 6 persons died and 3 were injured. Present appellant Nitesh Kumar is one of the injured. The Motor Accident Claims Tribunal, Narnaul (for short, 'the Tribunal') awarded him Rs.40,000/- compensation. Both truck and jeep were held liable to the extent of 50%. Ultimately, compensation is paid to the appellant by the insurance company of both the vehicles.

Present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant contends that the appellant

remained admitted in Rohtak hospital from 20.11.1998 to 28.11.1998 for treatment. He also had to get some treatment from Delhi. Learned counsel for the appellant has pointed to the discharge card of PGIMS Rohtak (Ex.PN/1) which shows that the appellant was operated in PGIMS Rohtak. Attention of this Court is also drawn to the other treatment cards (Ex.PO/1, Ex.PO/2 and Ex.PO/3). Ex.PO/3 shows that he was treated at Guru Nank Dev Eye Centre, New Delhi for some problem in the eyes on 20th March.

After going through the said medical record, I am of the view that neither there is any disability certificate on file nor any doctor has come forward to show that on account of the injury, the present appellant suffered problem in the eyes. Admittedly, the appellant was 21 years of age at the time of accident. Considering that he had to undergo operation and remained disable for quite sometime, had to suffer from pain and suffering, the attendant was also required, he also needed transportation to visit hospitals as outdoor patient at Rohtak and Delhi, I am of the view that interest of justice will be met if the compensation is enhanced by Rs.20,000/-.

Accordingly, the compensation is enhanced by Rs.20000/- to be paid by the respondents in terms of the award of the Tribunal. The enhanced compensation is ordered to be paid with interest @ 7.5 per annum from the date of filing of claim petition till realization.

Appeal is accordingly allowed.

24.07.2019

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No