

202
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2019.07.16 17:35
I attest to the accuracy and
authenticity of this document

FAO-2162-2001

Date of decision : 11.7.2019

Suraj Mal

..... Appellant

Versus

Krishan Pal and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Kotla, Advocate,
for appellant.

None for respondent.

-. -

-. -

KULDIP SINGH J. (ORAL)

Suraj Mal-appellant, who was Lecturer, English, by profession, seeks enhancement of compensation awarded by Motor Accident Claims Tribunal, Hisar, (for short 'the Tribunal') vide award dated 19.4.2001.

Suffice to say that Suraj Mal appellant alongwith Dalbir was going on motorcycle No. HR-20-C-9920 on 28.5.1997. The motorcycle was hit by maruti car No. HR-26-C-3273 being driven by Surjit Singh, respondent. As a result of accident, both occupants of motorcycle had received injuries. Qua Suraj Mal, it is stated that he has suffered compound fracture on right leg, dislocation of patella. He remained admitted in Government Hospital, Narwana, from 28.5.1997 to 31.5.1997, then in Government Hospital, Tohana from 31.5.1997 to 8.6.1997, and thereafter took treatment from Chalwa Nursing Home from 8.5.1997 to 2.7.1997. He was further readmitted in Chawla Nursing Home

from 18.3.1998 to 28.3.1998. It also comes out that he suffered 70% permanent disability qua lower limb. There is stiffness and he cannot bend his knee. As per statement of Dr. J.S. Bhatia (PW4), Suraj Mal has been advised not to drive vehicle with this disability. The Tribunal awarded following compensation :-

1.	For medical bills	-	Rs. 41,000/-
2.	For transportation and special diet	-	Rs. 5,000/-
3.	For 70% disability	-	Rs. 1,05,000/-
4.	For loss of income for 3 ½ months	-	Rs. 37,000/-
5.	For pain and suffering	-	Rs. 50,000/-
Total			Rs. 2,38,000/-

I have heard learned counsel for parties and have also carefully gone through file.

The learned counsel for appellant presses for increase in compensation on account of transportation and special diet, for disability and for loss of amenities. He is satisfied with compensation granted under other heads.

Considering that appellant remained admitted in hospital for 1 ½ months and remained on leave for 62 days and even after joining duties, he will need special diet, compensation of Rs. 5,000/- is enhanced to Rs. 15,000/-. For disability and for loss of amenities, it is to be noticed that claimant, who was lecturer in English, will not be able to drive car due to 70% disability in lower limb and he will not be able to lead normal life. He is also not able to bend his left knee and unable to sit properly.

Considering said facts and fact that case pertain to year 1997 on which insurance company will have to pay interest also, compensation on account of disability and loss of amenities is increased from Rs. 1,05,000/- to Rs. 3,50,000/-. In this way, total compensation is enhanced by Rs. 2,55,000/-. 7.5% interest on enhanced compensation from the date of filing of claim petition is also allowed. Appeal is allowed.

(KULDIP SINGH)
JUDGE

11.7.2019
sjks

Whether speaking order	:	Yes / No
Whether reportable	:	Yes / No