

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

FAO No.2751 of 2006 (O&M)

Date of Decision: 01.11.2019

Mandeep Singh

..... Appellant

versus

Jog Raj and others

..... Respondents

CORAM : HON'BLE MRS.JUSTICE ALKA SARIN

Present : Mr.Naresh Kaushik, Advocate for the appellant-claimant.
Mr.Ravinder Arora, Advocate for respondent No.2 and 3.

ALKA SARIN, J.

1. The present appeal has been preferred by the claimant for enhancement of compensation amount, awarded by the Motor Accident Claims Tribunal vide the impugned Award dated 18.04.2006, in respect of the injuries received by him in a motor vehicular accident.

2. On 12.03.2004 at about 8:30 AM, the appellant alongwith his father was going on Scooter No.CH01-M-9082 from Lohari to Ropar. Bus No.HP-20A-2914 which was going from Ropar side, struck against the scooter of the appellant-claimant resulting in the accident. FIR No.55 dated 12.03.2004 (Ex.P-1) was registered in this regard at Police Station-Ropar. The appellant suffered injuries on his leg for which he had to be operated upon and he remained admitted in PGI, Chandigarh, from 12.03.2004 to 03.05.2004 vide CR No.340506 dated 12.03.2004. The appellant-claimant is alleged to have incurred expenses to the tune of Rs.70,000/- on his treatment and special diet.

3. Dr.Surjit Singh (PW-2), who is a Orthopedician, testified that on 11.11.2004 he was member of the Board presided by the Civil Surgeon, Ropar, which examined Mandeep Singh (Appellant-Claimant), . PW-2 Dr.Surjit Singh, proved the disability certificate (Ex.P-2) and testified that the disability of the claimant was 35% because of shortening of his left leg by 1.5 cm. There is no contrary evidence led to challenge the disability certificate produced by the appellant. The un-rebutted evidence clearly reveals that the appellant has suffered grievous injury, which led to his disability to the extent of 35% as a result of shortening of his left leg.

4. The Tribunal awarded a sum of Rs.50,000/- towards medical expenses, Rs.70,000/- on account of loss of pleasure of life and adverse effect on his life and an amount of Rs.10,000/- was awarded under the head of special diet and traveling expenses. Thus a total compensation of Rs.1,30,000/- was awarded vide the impugned award.

5. I have heard the learned counsel for the parties and with their able assistance have gone through the record.

6. Learned counsel for the appellant-claimant submits that the appellant-claimant had suffered injuries which led to his 35% disability. He further submitted that since a plate has been inserted in his leg, the same would need to be removed for which further expenses will have to be incurred by him. It is further argued that the amount of compensation under all heads, was on the lower side.

7. Mr.Ravinder Arora, learned counsel for the Insurance Company, did not seriously dispute the fact that the appellant-claimant may require further treatment.

8. In view of the facts stated above, I deem it appropriate to enhance the amount of compensation by Rs.1,00,000/- for future treatment. This amount shall be in addition to the amount of Rs.50,000/- as already awarded under the head medical treatment.

9. The amount of compensation under the head loss of pleasure of life and adverse effect on his life was assessed as Rs.70,000/-. The appellant-complainant was a young man of 21 years at the time of the accident. The accident resulted in grievous injuries, resulting in the shortening of his left leg by 1.5 cm. The said disability to the extent of 35%, would lead to an adverse effect in his life. I, therefore, deem it just to enhance the compensation by Rs.70,000/- in addition to the compensation of Rs.70,000/- already awarded by the Tribunal under the head loss of pleasure of life and adverse effect on his life.

10. Thus, the total amount of compensation payable to the appellant-claimant would be Rs.3,00,000/- (Rupees Three lakhs). The amount in excess of what has been already awarded by the Tribunal shall attract interest @ 6% per annum from the date of petition till the date of payment.

11. The appeal is allowed accordingly to the above mentioned extent.

(ALKA SARIN)
JUDGE

01.11.2019
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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No