

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4409-2006
Date of decision: 21.08.2019

Ranu Ranjan Sinha

...Appellant

V/s.

M/s. Chandigarh Distillers & Bottlers Ltd. and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Neeraj Khanna, Advocate for the appellant.

Mr. Shubham Jain, Advocate with
Mr. Suman Jain, Advocate for respondent No. 3.

RITU BAHRI, J. (Oral).

The claimant has come up in appeal against the award of the Tribunal dated 28.11.2005 whereby the compensation of Rs. 1,04,640/- has been awarded on account of injuries suffered by him in a road accident which took place on 03.01.2003.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 03.01.2003 at about 5:00 p.m. the claimant was on his way from Petrol Pump, Sector 7, Chandigarh to his house on his motorcycle. A Lancer Car bearing No. CH-03-C-0709 reached there from the side of Petrol Pump and stopped on the side of the road. When the appellant tried to cross that Car, all of a sudden the driver of the said Car negligently opened the door of the Car. The appellant was hit with the door of the said Car. He could not control his motorcycle and his motorcycle struck against the another Car which was parked in the

market. The appellant fell down on the road and suffered grievous injuries on various parts of his body. He was taken to the General Hospital, Sector 16, Chandigarh and from there he was referred to PGI, Chandigarh and was operated many times. The claimant has become totally crippled and handicapped after the accident in question. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of negligence of respondent No.2-Gurmail Singh and returned finding on issue No.1 in favour of the claimant keeping in view that PW1 SI Mahabir Singh brought the summoned record and stated that an FIR No. 4 dated 04.01.2003 under Sections 336 and 337 IPC was registered at Police Station Sector 26, Chandigarh against respondent No. 2. PW4 Kapil Kumar brought the summoned record who was appointed as Investigator by the New India Assurance Co. Ltd. and as per report Ex.PW4/1, he proved the accident in question as the driver of the Lancer Car was facing the criminal trial. The Tribunal awarded compensation as under:-

- | | |
|---------------------------|--------------|
| 1. For pain and suffering | Rs.70,000/- |
| 2. For loss of salary | Rs. 25,640/- |
| 3. For special diet | Rs.6,000/- |
| 4. For transportation | Rs. 3,000/- |

Total compensation awarded Rs.1,04,640/-

The claimant was found entitled to total compensation of Rs.1,04,640/- along with interest @ 7.5% per annum from the date of filing

of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

REASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the claimant has suffered injuries as a result of the accident. A perusal of finding on issue No. 2 shows that the claimant was initially admitted on 04.01.2003 in PGI and discharged on 16.03.2003. As per PW 3 Dr. Faizal Kareem the claimant was admitted on 04.01.2003 to ES OPD, PGI, Chandigarh and then he was shifted to Ortho side on 10.01.2003, The claimant was operated on 03.03.2003. After the surgery, the claimant was with them for a period of 13 days and was discharged on 16.03.2003. After the discharge, the claimant was followed up for orthoe-I OPD till 05.12.2003. Hence, the total time, he remained in PGI was approximately two and a half months and was followed up till 05.12.2003. The claimant had been following up the treatment from 04.01.2003 till 05.12.2003. Almost for a year, he was undergoing treatment.

The compensation is hereby reassessed in view of the judgment passed by Hon'ble the Supreme Court in *National Insurance Company Limited Vs. Pranay Sethi and others*, Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017) as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Pain and suffering	Rs.1,00,000/-
(ii)	Transportation and attendant	Rs.10,000/-
(iii)	Special diet	Rs.15,000/-
(iv)	Loss of salary	Rs.25,640/-
(v)	TOTAL COMPENSATION AWARDED	Rs. 1,50,640/-

(vi)	ENHANCED AMOUNT OF COMPENSATION	Rs.1,50,640/-1,04,640/- = Rs.46,000/-
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The enhanced amount of compensation of **Rs.46,000/-** shall be payable within a period of two months 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 the case of *Dara Singh @ Dhara Banjara V/s. Shyam Singh Varma and others*, Civil Appeal No. 4528 of 2019. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is allowed.

(RITU BAHRI)
JUDGE

21.08.2019
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No