

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

FAO No.744 of 2012

Date of Decision: 15.01.2019

Jai Bhagwan

...Appellant

Versus

Irfan and others

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. N.K. Malhotra, Advocate for the appellant.

Mr. Sandeep Sharma, Advocate for respondent No.1.

Service of respondent No.2 dispensed with vide order dated 27.01.2015.

Mr. D.P. Gupta, Advocate for respondent No.3.

B.S.WALIA, J (Oral).

1. Appeal has been filed by the appellant seeking enhancement of compensation of ₹1,54,000/- awarded by the learned Motor Accidents Claims Tribunal, Rohtak (hereinafter referred as to 'the Tribunal') on account of injuries sustained by the appellant in a motor vehicular accident on 13.12.2009.

2. Learned counsel for the appellant contends that compensation awarded is grossly inadequate, therefore, the appeal is liable to be allowed, award modified and compensation enhanced. Learned counsel contends that right leg/fibula of the appellant was fractured besides both ribs of right side were broken and that the appellant spent ₹50,000/- on treatment/

operation. Learned counsel further contended that the appellant suffered 20% disability and is unable to do any labour work.

3. Per contra, learned counsel for respondent No.3/Insurance Company contended that the compensation awarded is just and reasonable and does not warrant any enhancement.

4. I have considered the submissions of learned counsel for the parties.

5. Admittedly, the Tribunal by taking into account the fact that the appellant remained in agony for nine months, awarded ₹27,000/- @ ₹3,000/- per month on account of attendant charges, ₹5,000/- on account of transportation charges, ₹5,000/- on account of special diet and nutrition, ₹7,000/- for medical expenses besides ₹20,000/- on account of permanent disability, ₹20,000/- on account of pain and suffering, ₹10,000/- on account of loss of amenities of life and ₹10,000/- on account of reduction in expectation of life. However, in view of the appellant having remained in agony for 9 months and requiring treatment, special diet, attendant care besides care and attendance during aforementioned period of doctors, I am of the considered view that the appellant is entitled to transportation charges @ ₹1000/- per month for a period of nine months i.e. ₹9,000/-, ₹2500/- per month on account of special diet for a period of nine months i.e. ₹22,500/-, ₹4500/- per month on account of pain and suffering for a period of nine months i.e. ₹40,500/- and ₹25,000/- on account of loss of enjoyment of amenities of life as against ₹10,000/- awarded by the Tribunal, as the said amount would be just and fair compensation and would meet the ends of justice.

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6. Accordingly, in the light of the position as noted above, as against the compensation of ₹1,54,000/-, the appellant is held entitled to award of compensation of ₹2,11,000/- along with interest @ 7.5% per annum w.e.f. the date of filing of the claim petition till date of payment, less amount if any already paid.

7. Accordingly, appeal is partly allowed and award dated 09.03.2011 passed by the learned Tribunal, Rohtak, is modified to the extent as noted above.

(B.S.WALIA)
JUDGE

15.01.2019

rajesh.k.khurana

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No