

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

F.A.O No. 1456 of 2013

Date of decision:- 18.10.2019

Monu Singh

...Appellant

Versus

Karan Singh Yadav & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. P.S. Chauhan, Advocate
for the appellant.

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured/claimant-appellant (for short 'the appellant'), seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal') to the tune of Rs.1,21,881/- along with interest @ 7 per cent per annum from the date of filing of the petition till realization of the amount, vide impugned award dated 14.12.2012.

FACTS NOT IN DISPUTE

As per claimants, on 10.09.2011, the appellant was travelling as pillion rider on a motorcycle driven by Narender Kumar of his village. When they reached near Electric Power House of village Bharawas, an Indica car bearing No. RJ-02-CA-2012 came from front side in a rash and negligent manner and struck against the side of their motorcycle, injuring them seriously. F.I.RNo. 184 dated 11.09.2011 under Sections 279/337/338 IPC was registered at P.S Rampura on the statement of appellant.

COMPENSATION ASSESSED BY MACT

HEAD	COMPENSATION AMOUNT
Medical expenses	Rs.37,181/-
Loss of income	Rs.14,700/-
Transportation charges	Rs.5,000/-
Attendant Charges	Rs.4,000/-
Diet and nutrition	Rs.10,000/-
Loss of future earning on account of disability	Rs.16,000/-
Loss of matrimonial prospects	Rs.20,000/-
Pain and suffering	Rs.15,000/-
TOTAL COMPENSATION AWARDED:-	Rs.1,21,881/-

ARGUMENTS ADVANCED

The learned counsel for the appellant contends that the appellant was only 22 years old at the time of accident and he has suffered 8% disability as per certificate P.W.3/A. The appellant was operated and implant was fixed in his right thigh. He had spent Rs.1 lacs on his treatment. Further the appellant remained admitted in hospital for 05 days i.e 10.09.2011 till 16.09.2011.

Learned counsel for the appellant contends that the appellant is a labourer and due to the disability he cannot lift weight or discharge his normal duties as required by the labourer. As per doctor, on account of 8% disability, there is restricted movement of right knee with mild loss of stability and pain to the appellant.

RE-ASSESSED COMPENSATION

Keeping in view the fact that disability is only 8%, the multiplier method cannot be applied in the present case.

HEAD	COMPENSATION AMOUNT
Medical expenses	Rs.37,181/-
Loss of income for six months	Rs.29,400/- (4900 x 6)
Transportation charges	Rs.5,000/-

HEAD	COMPENSATION AMOUNT
Attendant Charges	Rs.4,000/-
Diet and nutrition	Rs.10,000/-
Loss of future earning on account of disability	Rs.16,000/-
Loss of matrimonial prospects	Rs.30,000/-
Pain and suffering	Rs.20,000/-
TOTAL COMPENSATION AWARDED:-	Rs.1,51,581/-
ENHANCED AMOUNT OF COMPENSATION	Rs.1,51,581-Rs.1,21,881=Rs.29,700/- (ROUNDED OFF TO Rs.30,000/-)

The enhanced amount of compensation of Rs.30,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellant shall also get interest @ 9 % per annum from the date of filing of the claim petition, in view of judgment of Hon'ble the Apex Court in **Civil Appeal No. 4528-2019 titled as Dara Singh @ Dhara Banjara vs. Shyam Singh Varma and ors, decided on 01.05.2019** . The remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

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

October 18, 2019
G Arora

(**RITU BAHRI**)
JUDGE