

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

FAO-4260-2014(O&M)

Date of decision:-20.9.2019

Kamaljeet Singh

...Appellant

Versus

Samunder Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.C.S. Singh, Advocate
for the appellant.

Mr.Rajesh Goyal, Advocate as
Amicus Curiae for the appellant.

H.S. MADAAN, J.

Petitioner/claimant Kamaljeet Singh had brought a claim petition under Section 166 of the Motor Vehicles Act against the respondents i.e. Samunder Singh – driver, Aakash Goyal – owner and Reliance General Insurance Company Ltd. - insurer of Tanker bearing registration No.HR-39-A-8866 (hereinafter referred to as the offending vehicle), claiming compensation on account of injuries suffered by him in a motor vehicular accident caused due to rash and negligent driving of the offending vehicle by respondent No.1 – Samunder Singh.

Briefly stated, the facts of the case as per version of the petitioner/claimant are that on 23.5.2011 at about 2:00 p.m., he along with one Mahesh Kumar, resident of Hansi was going in a car bearing

registration No.HR-20S/9356 from their house towards bus-stand, Hansi; when they had reached a little ahead of Goyal Petrol Pump, National Highway 10, Hansi, then petitioner stopped his car on the left kacha portion of the road; Mahesh Kumar alighted from the left side of the car, whereas petitioner/claimant alighted from right door of the car for the purpose of going to the spare parts shop situated at National Highway No.10; while petitioner/claimant was going from backside of the car towards spare parts shop, in the meanwhile, the offending vehicle came from behind being driven by respondent No.1 – Samunder Singh in a rash and negligent manner and at a high speed and struck the car from rear side; petitioner/claimant got trapped in between the car and the offending vehicle; both his legs were crushed and he suffered multiple, serious and grievous injuries on his head and chest; he was immediately taken to General Hospital, Hansi, where he was medico legally examined by Dr.Navdeep but keeping in view his serious condition, he was referred to PGI, Rohtak but then he was taken to Sarvodaya Hospital, Hisar and got admitted there, where he remained upto 30.5.2011; he remained admitted in various hospitals for his treatment; as a result of suffering injuries in the accident, he has become permanently disabled to the extent of 70% and his left leg has been amputated; that FIR No.282 dated 24.5.2011 for the offences under Sections 279, 337, 338 and 47 IPC was got registered against respondent No.1 – Samunder Singh with Police Station City, Hansi.

According to the petitioner/claimant, prior to the accident, he was earning Rs.1,90,000/- per month from Co-operative Society and from

managing the agriculture land situated at village Petwar; his income from agriculture was Rs.7 lakhs per annum. The claimant prayed for grant of compensation of Rs.50 lakhs along with interest.

On notice, the respondents had put in appearance before the Motor Accidents Claims Tribunal, Hisar (hereinafter referred to as the Tribunal) and filed written statements contesting the claim petition.

Issues on merits were framed and the parties were afforded adequate opportunities to lead evidence.

On conclusion of the trial, the Tribunal while allowing the petition partly vide award dated 29.1.2014, awarded compensation of Rs.16,94,668/- along with interest @ 7% per annum from the date of filing of the petition till realization payable by respondents No.1 to 3 jointly and severally. The details of the compensation awarded under various heads are as under:

1.	Compensation allowed on account of 70% total disability of body i.e. amputation	Rs.8,02,032/-
2.	Compensation allowed on account of mental Pain & suffering	Rs.1,00,000/-
3.	Compensation allowed on account of special diet	Rs.11,000/-
4.	Compensation allowed on account of medical Bills	Rs.7,45,266/-
5.	Compensation allowed on account of transportation	Rs.15,370/-
6.	Attendant charges @ Rs.7,000/- for 3 months	Rs.21,000/-
	Total	Rs.16,94,668/-

Feeling that the compensation awarded to him was on lower side, the claimant has filed the present appeal seeking enhancement of

compensation, notice of which was given to respondents. However, the respondents did not put in appearance despite service.

I have heard learned counsel for the appellant besides going through the record.

As regards the compensation awarded under head on account of 70% total disability of body with regard to amputation of left leg to the tune of **Rs.8,02,032/-**, the compensation seems to be adequate.

Similarly, the compensation allowed on account of mental Pain and suffering for suffering injuries in the accident to the tune of **Rs.1 lakh** cannot be said to be on lower side.

With regard to the compensation allowed on account of special diet to the tune of Rs.11,000/-, keeping in view the nature and extent of injuries suffered by the petitioner/claimant, the period of his hospitalization, the amount seems to be quite less and it would be proper and appropriate to enhance it to **Rs.30,000/-** and it is ordered accordingly.

The Tribunal has awarded compensation of **Rs.7,45,266/-** on account of medical bills, that does not call for any interference.

However, the compensation allowed on account of transportation charges to the extent of Rs.15,370/- seems to be somewhat on lower side and the same is enhanced to **Rs.25,000/-**.

The Tribunal has awarded attendant charges for three months to the tune of Rs.21,000/-. The claimant may be requiring the services of attendant even after a period of three months, for which this amount has been calculated since he has got amputation of the left leg. The amount calls for enhancement and the same is increased to **Rs.30,000/-**.

No amount has been awarded to the claimant on account of loss of amenities and loss of expectation of life. The claimant on account of injuries suffered by him would not be able to walk, run or sit as he was prior to the accident. A sum of Rs.25,000/- each (total **Rs.50,000/-**) is awarded to him under that heads.

Thus the total amount of compensation comes out to **Rs.17,82,298/-**.

The Tribunal has awarded compensation of Rs.16,94,668/- along with interest @ 7% per annum from the date of filing of the petition till realization payable by respondents No.1 to 3 jointly and severally. The same is enhanced to **Rs.17,82,298/-**.

In this way, the enhanced amount comes out to **Rs.87,630/-** (17,82,298 - 16,94,668). The claimant would be entitled to get interest @ 7.5% per annum from the date of filing of the appeal till actual realization on the enhanced amount of **Rs.87,630/-**. The other terms and conditions given in the award shall apply to the enhanced amount as well.

With such modification, the appeal is allowed partly with costs.

20.9.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No