

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

**FAO No.4313 of 2014 (O&M)
Date of decision: 10.07.2019**

Rajender

....Appellant

Versus

Dharmender and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.S. Randhawa, Advocate,
for the appellant.

Mr. Manish Saini, Advocate,
for Mr. Sheenu Sura, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') vide award dated 22.01.2014, on account of injuries received by him in a motor vehicular accident which took place on 03.04.2011.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 03.04.2011, claimant-appellant (Rajender) and Rajesh son of Hansraj were going from Narnaul to village Khorma in the four-wheeler of Amit son of Phula Ram. When their four-wheeler reached near ice factory at Singhana Road, Narnaul, a Truck

Dharmender in a rash and negligent manner, came from the opposite side and struck against the four-wheeler, as a result of which, claimant-appellant (Rajender), Rajesh and Amit received injuries. The accident was witnessed by Sher Singh son of Richhpal, resident of village Jailaph, who took them to General Hospital, Narnaul, where they were medico-legally examined. On 04.04.2011, claimant was shifted to Kailash Hospital, Behror, where he remained admitted till 13.04.2011. 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 taken place on account of rash and negligent driving of offending vehicle by its driver i.e. respondent No.1 and thus, returned finding on issue no.1 in favour of the claimant. This finding was rightly given on the basis of deposition of Rajender-claimant (PW-1) and Rajesh (PW-2), who was eye witness of the accident. Further, the claimant has also proved on record final report Ex.PW-1/B, charge-sheet Ex.PW-1/C and FIR Ex.PW-1/D. Ultimately, the claim petition was allowed and compensation was awarded as under:-

Sr. No.	Heads	Amount
1.	Compensation on account of medical expenses	Rs.41,000/-
2.	Transport charges	Rs.4000/-
3.	Attendant charges	Rs.5,000/-
4.	Special diet	Rs.3,000/-
5.	Pain and sufferings	Rs.10,000/-
6.	Loss of income	Rs.5,000/-
	Total	Rs.68,000/-

Hence, the claimant was found entitled to a total compensation of Rs.68,000/- along with interest at the rate of 7.5% per annum from the

date of filing of petitioner 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.

Parties are not in dispute with respect to the finding given by the Tribunal on issue No.1 that the accident took place on account of rash and negligent driving of offending vehicle. A perusal of the award shows that claimant remained admitted in Kailash Hospital, Behror from 04.04.2011 to 14.04.2011. Claimant was running a camel-cart. Keeping in view the peculiar circumstances of the case, compensation is hereby re-assessed as under:-

Sr. No.	HEADS	AMOUNT (In Rs.)
1.	Compensation on account of medical expenses	Rs.41,000/-
2.	Transport charges	Rs.5000/-
3.	Attendant charges	Rs.10,000/-
4.	Special diet	Rs.10,000/-
5.	Pain and sufferings	Rs.10,000/-
6.	Loss of income	Rs.10,000/-
7	TOTAL COMPENSATION AWARDED	Rs.86,000/-
8	Enhanced amount of compensation	Rs.86,000 – 68,000= Rs.18,000/-

The enhanced amount of compensation of **Rs.18,000/-** 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. Remaining conditions of disbursal of amount shall remain

unaltered.

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

(RITU BAHRI)
JUDGE

10.07.2019
ajp

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