

FAO-392-2015 (O&M)

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

**FAO-392-2015 (O&M).
Decided on: September 16, 2019.**

Yogesh Tyagi

.. Appellant

VERSUS

Karambir and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

*** * ***

**PRESENT Mr.Darshan Lal Gulati, Advocate,
for the appellant.**

None for respondent Nos.1 and 2.

**Mr.Vipul, Advocate, for
Mr.Ravinder Arora, Advocate,
for respondent No.3.**

RAMENDRA JAIN, J. (ORAL)

Claimant Yogesh Tyagi through this appeal has sought enhancement of compensation, modifying the impugned award dated 8.7.2014, passed by the Motor Accident Claims Tribunal, Panipat (in short 'the Tribunal').

Briefly, the appellant on 29.7.2011, suffered multiple grievous injuries in a motor vehicle accident caused by respondent No.1, driving offending vehicle bearing registration No.HR-06W-3387, owned by respondent No.2 and insured with respondent No.3. Initially, he was shifted to Gandhi Hospital, Panipat, from where, he was referred to Pentamed

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Hospital, Delhi, where he remained hospitalized for about 10 days upto 8.8.2011.

The appellant filed claim petition under Sections 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), claiming Rs.15 lacs as compensation on account of injuries suffered by him.

The learned Tribunal after holding trial vide impugned award dated 8.7.2014, awarded a total sum of Rs.5,62,000/- to the appellant-claimant along with interest @ 7.5% per annum from the date of filing of the petition till the date of payment vide impugned award dated 8.7.2014.

Heard.

Having given thoughtful consideration to the rival submissions of learned counsel for the parties, this Court finds that the appellant has not been adequately compensated by the learned Tribunal under the head of pains and sufferings. Therefore, considering overall facts and circumstances of the case, the appellant is further held entitled to a lump sum enhanced amount of Rs.50,000/- which includes interest component, over and above the compensation awarded by the learned Tribunal, which shall be deposited by the Insurance Company within one month from today for onward disbursement to the appellant against proper receipt in accordance with law.

Accordingly, the appeal is allowed.

September 16, 2019.
raj arora

(RAMENDRA JAIN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No