

FAO No.5555 of 2014

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

FAO No.5555 of 2014
Date of decision: 17.09.2019

Anup Kumar

.....Appellant

versus

Lilu and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Mukesh Yadav, Advocate, for the appellant.
Mr. Banni Thomas, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, claimant has sought enhancement of compensation, modifying impugned award dated 10.02.2014 of the Motor Accident Claims Tribunal, Narnaul (in short 'the Tribunal').

Briefly, in the evening of 05.12.2011, appellant-claimant, driving motorcycle bearing registration No.HR-34-B-2719 taking one Anil as a pillion rider, when reached ahead of power house in the area of Village Jant, respondent No.1 driving offending tractor bearing registration No.HR-34-D-2281 in a rash and negligent manner also at a high speed, applied sudden brakes ahead of motorcycle of the appellant-claimant. As a result thereof, appellant-claimant and pillion rider fell down on the road receiving multiple grievous injuries.

With these broad allegations, appellant filed a claim petition under Section 166 of the Motor Vehicles Act before the Tribunal, Narnaul, to award compensation for injuries sustained by him in a motor vehicular

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accident.

The Tribunal, after holding trial, awarded a lump sum of ₹1,20,000/- to the appellant-claimant vide impugned award along with interest @ 7.5% per annum from the date of filing claim petition till realization.

Learned counsel for the appellant *inter alia* contends that learned Tribunal erred in not awarding compensation to the appellant separately under various heads like pain and suffering, loss of income during hospitalization for five days, medical expenses, permanent disability, special diet, attendant and transportation charges, marriage prospects etc. Learned Tribunal did not appreciate that appellant-claimant had suffered 10% permanent disability. Thus, his marriage prospects had also diminished for which no compensation has been awarded by the Tribunal. The appellant-claimant should be compensated adequately by awarding him compensation under the aforesaid heads separately.

On the other hand, learned counsel for the Insurance Company, refuting above submissions, submits that appellant remained hospitalized only for two days and not for five days. He has been adequately compensated by the Tribunal. Therefore, there is no scope of any enhancement of compensation in this appeal.

Having given thoughtful consideration to the rival submission, this Court finds the instant appeal completely devoid of any merit for the reasons to follow.

Appellant-claimant suffered 10% permanent disability.

Usually, compensation @ ₹2000/- per per cent disability is granted. Thus,

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taking into account 10% disability of the appellant-claimant, amount so to be awarded to him comes to ₹20,000/- towards his permanent disability. Appellant-claimant produced medical bills amounting to ₹48,841/-. The same has also been awarded to him. Appellant-claimant remained hospitalized only for two days. Therefore, extra compensation of ₹51,160/- awarded to the appellant-claimant over and above his medical expenses and ₹20,000/- towards per percentage disability adequately covers his pain and suffering and other heads mentioned above.

Learned counsel for the appellant has miserably failed to show as to how appellant-claimant has not been adequately compensated or there is any scope of enhancement in compensation, modifying the impugned award.

In view of discussion made above, appeal is dismissed.

(Ramendra Jain)
Judge

September 17, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No