

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

FAO No. 6152 of 2015(O&M)

Date of decision: 22.5.2019

Sant LalAppellant

VERSUS

Sonu and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jatin Hans, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

CM No.19454-CII of 2015

Prayer in this application is for condoning delay of 215 days
in filing the appeal.

Heard.

In view of averments made in the application supported by an
affidavit of Sant Lal, the appellant, the application is allowed. Delay of 215
days in filing the appeal stands condoned, subject to the condition that in
case the appellant succeeds in appeal, he will forgo interest for the period
of delay.

Disposed of accordingly

FAO No.6152 of 2015

The claimant is in appeal seeking enhancement of
compensation on account of injuries sustained in a motor vehicular
accident that took place on 30.04.2012.

The Motor Accidents Claims Tribunal, Bhiwani (in short ‘the Tribunal’) awarded Rs.8,30,000/- detailed hereunder:-

Medical expenses	Rs.7,50,000/-
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On account of hospitalization Rs.40,000/-

Pain and sufferings	Rs.40,000/-
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Counsel for the appellant would argue that the Tribunal has not awarded any compensation for loss of income during the period of treatment and recovery, transportation, services of an attendant and special diet etc.

The Tribunal, in addition to allowing reimbursement of expenses on purchase of medicines, doctor charges, operation charges etc. has awarded a sum of Rs.40,000/- on account of hospitalization. The injured remained hospitalized for a period of 40 days in three different hospitals at Mathura and Bhiwani. The Tribunal has not assigned any reason for allowing a sum of Rs.40,000/- on account of hospitalization despite having reimbursed expenses on medicines, doctor charges and operation charges etc. In the given scenario, interest of justice would be served if the appellant is allowed additional amount of Rs.20,000/- towards transportation and loss of income during the period of treatment and recovery. The additional amount shall carry interest at the rate of 7.5% per annum from the date of petition till realization except for the period of delay of 215 days in filing the appeal..

The appeal is partly allowed in the aforesaid terms.

MAY 22, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no