

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

FAO No. 6237 of 2015 (O&M)
Date of decision: July 05, 2019

Satnam Singh

...Appellant

Versus

Sarfudin and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Barjinder Singh, Advocate for
Mr. Rakesh Gupta, Advocate
for the appellants.

Ms. Sheenu Sura, Advocate
for respondent No.3-Insurance Company.

JAISHREE THAKUR, J. (Oral)

1. This appeal seeks to challenge the award dated 09.01.2015 passed by the Motor Accident Claims Tribunal, Patiala, wherein the appellant herein has been allowed compensation of ₹ 65,950/- on account of injuries suffered by the appellant-Satnam Singh.

2. In brief, the facts are that on 30.12.2011, appellant-injured Satnam Singh along other persons were going towards Sheller for loading wastage of paddy crop (foos) in a truck bearing registration PB11-F-9235, which was being driven by the appellant. The other persons were sitting in the driver cabin with the appellant. At about 4.30 a.m. when they reached at Beer Kulle Majra, a truck bearing registration No.RJ02-GA-1763 loaded with iron angles was lying parked on the main road without any

lighting/dipper and due to fog, the defending truck struck against the offending truck, as a result of which all the persons sitting in the cabin of defending truck No.PB11-F-9235 received multiple injuries. Apart from others, the appellant suffered injuries on his face and legs. The accident occurred due to negligent of parking truck without signal by respondent No.1. With these averments, claim petition was filed by the appellant that prior to the accident, he used to earn ₹ 10,000/- per month. He spent ₹ 1 lac on his treatment, special diet, transportation and he is still getting treatment. Due to injuries suffered by him, he is still unable to work on his own.

3. The claim petition was contested. Written statements were filed by respondents No.1 and 3 respectively. Thereafter, issues were framed and evidence was led and after scrutiny of the evidence brought on record, the Tribunal held that the the accident was caused by respondent No.1 and on assessment of the facts and evidence before it allowed compensation of ₹65,950/-, which has been now challenged in the instant appeal.

4. Learned counsel for the appellant submits that the amount of compensation awarded by the Tribunal is on the lower side. It is submitted that in the accident the appellant suffered injuries on his face and leg and remained admitted in the hospital from 30.12.2011 to 15.01.2012, but the Tribunal has not specifically awarded any amount of compensation on account of special diet and attendant charges, apart from transportation charges.

5. Per contra, learned counsel appearing on behalf of respondent

No.3-Insurance company submits that adequate amount of compensation has been awarded by the Tribunal and no interference is called for.

6. I have heard learned counsel for the parties and perused the impugned award.

7. In a judgment rendered in **Raj Kumar Vs. Ajay Kumar and others, 2011 (1) SCC 343**, a formula has been prescribed for assessing compensation to be paid to a claimant who has suffered injuries resulting permanent disability, wherein it has been held that he has to be awarded compensation under the following heads namely:-

“F. Motor Vehicles Act, 1998, Sections 147, 166 and 173- Injury to a person in Motor accident- He is to be awarded compensation under following heads:- Pecuniary damages (Special Damages)

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising :

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability.

(iii) Future medical expenses.

Non-pecuniary damages (General Damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity)”

8. The Tribunal, after scrutiny of the evidence brought on record

by the respective parties, awarded a sum of ₹ 69,950/-. However, the Tribunal did not grant any compensation on account of attendant charges, special diet and transportation charges, in view of the judgment rendered in **Raj Kumar's case (supra)**, therefore, the compensation payable to the appellant deserves to be enhanced.

9. Keeping in view above facts, this Court is of the opinion that the appellant is entitled to specific compensation on account of attendant charges, special diet and transportation charges etc., therefore, the compensation, which claimant is entitled to, is reassessed as under:-

Sr. No.	Heads of claim	Amount
1	Compensation on account of loss of earning during treatment for 16 days	₹ 10,000
2	Compensation towards attendant charges	₹ 5000
3	Compensation towards transportation	₹ 7000
4	Compensation for nutritious diet	₹ 10,000
5	Medical expenses and hospital charges	₹50,950 (₹ 40,950 +₹ 10,000)
6	Pain and suffering	₹10,000
7	Total	₹92950/-

10. The award of the Tribunal is modified and the total compensation payable to the claimant shall be ₹ 92,950/- and the amount in excess over what was awarded will also attract interest @7.5% from the date of the petition till the date of payment.

July 05, 2019

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Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)

JUDGE

Yes

No