

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-8192-2014 (O&M)

Date of Decision: 03.07.2019

Nand Kishor

.... Appellant

Versus

Manjit and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Ms. Janya Sirohi, Advocate for
Mr. Akshay Jindal, Advocate for the appellant.

Mr. PS Kanwar, Advocate for respondent No. 1.

Mr. Arun Takhi, Advocate for respondent No. 3.

Mr. MB Jain, Advocate for respondent No. 4-Insurance Co.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, claimant has sought enhancement of compensation over and above the amount of ₹2,75,000/- already granted to him by the Motor Accident Claims Tribunal, Hoshiarpur (for short-'the Tribunal') vide Award dated 27.05.2014, on account of multiple injuries received by him in a motor vehicular accident.

Learned counsel for the both the parties are *ad idem* that monthly income of the injured-appellant, ought to have been taken by the learned Tribunal equivalent to the minimum wages prescribed by the State Government, which at the relevant time were ₹5,695/- per month, instead of ₹4000/-, to calculate loss of income for six months period,

during which the appellant remained bed ridden or was unable to perform his regular work. The compensation awarded to the appellant for the said period comes to ₹5695 X 6 = ₹34,170/- instead of ₹24,000/- awarded by the Tribunal.

That apart, learned counsel for the appellant contends that Tribunal has granted very meager compensation of ₹40,000/-, towards future medical treatment, ignoring the statement of AW-3 Dr. Aman Kapoor, Mch. (Neurology) Consultant Neuro Surgeon, Narad Hospital, Hoshiarpur, that appellant would require ₹1.5 to ₹2 lakhs for his medical treatment in future, in case, he wants to lead normal life. His future surgery is mandatory for which he would have to go to Delhi as no good treatment is available in Punjab. In case, appellant does not opt for future hospitalization and surgery, he will suffer disability permanently throughout his life.

Keeping in view the above statement of AW-3 Dr. Aman Kapoor, the compensation of ₹40,000/- awarded by the Tribunal is enhanced to ₹1,00,000/-, as claimed by the claimant in his claim petition.

In view of discussion made above and considering the overall facts and circumstances, the appellant is awarded a sum of ₹1,50,000/- in lump sum over and above the awarded amount of ₹2,75,000/- by the Tribunal, vide Award impugned herein. Respondent No. 3-Insurance Company is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within two months from today along with up-to-date interest @ 7.5% per annum from the date of filing of claim petition till realization for onward disbursement to

the claimant-appellant, in accordance with law, against proper receipt and identification.

It is, however, made clear that non-deposit of enhanced amount of compensation within the stipulated period would entail interest @ 12% per annum with quarterly rests.

The instant appeal stands disposed of, accordingly.

July 03, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No