

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

**FAO-8235-2014**

**Decided on : 10.12 .2019**

Satender Singh

. . . Appellant(s)

Versus

Himmat Singh and others

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Argued by: Mr. A.K. Yadav, Advocate  
for the appellant(s).

Brig. B.S. Taunque, Advocate  
for respondent No.3.

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**MANJARI NEHRU KAUL, J.**

The instant appeal has been preferred by the claimant-appellant for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'the Tribunal') vide award dated 05<sup>th</sup> July, 2014, wherein, a total amount of compensation to the tune of ₹ 1,20,794/- was awarded.

The challenge made by the claimant-appellant before this Court is *qua* the meagre quantum of compensation awarded for the multiple injuries sustained by him in the accident, which took place on 21<sup>st</sup> January, 2013 at about 08:15 A.M.. It transpires from the evidence and other material on record that the claimant-appellant was removed to the Govt. Hospital, Rewari after the accident, where after, being medico legally examined and in view of the serious injuries sustained by him, he was shifted to Aditya Hospital, Rewari, on the same day i.e. 21<sup>st</sup> January, 2013,

for further treatment. He was discharged from Aditya Hospital, Rewari, on 27<sup>th</sup> January, 2013. The factum of hospitalization of the claimant at Aditya Hospital was duly proved by PW-2/Pardeep Kumar, TPA Manager, Aditya Hospital. The claimant was also treated at Sir Gangaram Hospital, New Delhi from 06<sup>th</sup> April, 2013 to 07<sup>th</sup> April, 2013, besides also being treated at Eye-Q Hospital, Rewari.

The Tribunal on the basis of the nature of injuries suffered and the age of the claimant-appellant, and after taking into consideration all other aspects of the case, awarded the following compensation to the claimant:-

| <b><i>Sr. No.</i></b> | <b><i>Heads of claim</i></b>   | <b><i>Amount awarded (in ₹)</i></b> |
|-----------------------|--------------------------------|-------------------------------------|
| 1.                    | Pain and Suffering             | ₹ 10,000/-                          |
| 2.                    | Medical Expenses               | ₹ 1,00,794/-                        |
| 3.                    | Special Diet/Attendant Charges | ₹ 5,000/-                           |
| 4.                    | Transportation charges         | ₹ 5,000/-                           |
|                       | <b>Total:</b>                  | <b>₹ 1,20,794/-</b>                 |

I have heard learned counsel for the parties and perused the case file.

There is no dispute with regard to the findings given by the Tribunal that the claimant-appellant had sustained injuries in the motor vehicular accident, which occurred on 21<sup>st</sup> January, 2013, due to the rash and negligent driving of the offending vehicle bearing registration No. HR66-0898, being driven by respondent No.1. However, in the circumstances on record, I am of the considered view that the amount of compensation awarded by the Tribunal under various heads i.e. pain & suffering, special diet/attendant charges and transportation is on the lower side. It is a matter of record and stands duly proved that the injured

claimant who was working as an Executive Computer Operator in Lancers Tool Pvt. Ltd., sustained serious injuries in the accident in question for which he was hospitalized and subsequently treated at a Hospital in New Delhi and an Eye Hospital in Rewari as well. Admittedly, as per Ex.P4 i.e. the discharge summary, he had suffered bifrontal contusion with mild mass effect and anterior cranial fossa floor fracture, for which he had to be managed conservatively as well. Therefore, he would have naturally spent a considerable amount of money on transportation, special diet and attendant charges. He also deserves to be adequately compensated *qua* the pain and suffering. Accordingly, the claim compensation awarded by the Tribunal is enhanced as under:-

| <i>Sr. No.</i> | <i>Heads of claim</i>  | <i>Amount awarded (in ₹)</i> |
|----------------|------------------------|------------------------------|
| 1.             | Pain and Suffering     | ₹ 20,000/-                   |
| 2.             | Medical Expenses       | ₹ 1,00,794/-                 |
| 3.             | Special Diet           | ₹ 15,000/-                   |
| 4.             | Attendant Charges      | ₹ 10,000/-                   |
| 5.             | Transportation charges | ₹ 15,000/-                   |
|                | <b>Total:</b>          | <b>₹ 1,60,794/-</b>          |

As a sequel to the above, the amount of compensation is enhanced from ₹1,20,794/- to ₹1,60,794/-. The compensation amount so enhanced will carry interest @ 9% per annum from the date of filing of the petition till its realisation.

Accordingly, the award stands modified in the above terms.  
Disposed off.

(MANJARI NEHRU KAUL)  
JUDGE

December 10, 2019  
J.Ram

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