

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

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Date of decision: 22.05.2019

FAO 8341 of 2014 (O&M)

Shalu Garg

.....Appellant

Versus

Mukesh Kumar and others

.....Respondents

FAO 8455 of 2014 (O&M)

Ravish Garg

.....Appellant

Versus

Mukesh Kumar and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Amit Aggarwal, Advocate
 for the appellant

 Mr. Vinod Gupta, Advocate
 for the insurance company

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Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals as these have emerged out of the same award dated 15.01.2014 passed by the Motor Accidents Claims Tribunal, Sirsa (in short, 'the Tribunal') whereby compensation has been assessed on account of injuries sustained by Shalu Garg and Ravish Garg in a motor vehicular accident that took place on 08.04.2012.

FAO No. 8341 of 2014 has been filed by Shalu Garg seeking

enhancement of compensation whereas FAO No. 8455 of 2014 has been filed by Ravish Garg for the same relief.

FAO No. 8341 of 2014

The Tribunal awarded Rs.35,106/-, detailed hereunder:-

-Medical expenses Rs.25,106/-

-Hospitalization as well as Rs.10,000/-
for pain and suffering and
special diet etc.

I have gone through the observations of the Tribunal and find no justification for allowing additional compensation.

For the foregoing reasons, the appeal fails and is dismissed.

No order as to costs.

FAO 8455 of 2014

The Tribunal awarded Rs.1,47,055/-, detailed hereunder:-

-Medical expenses Rs.1,37,055/-

-Hospitalization as well as Rs.10,000/-
for pain and suffering and
special diet etc.

As per disability certificate Ex. PW5/A, disability incurred by the victim is temporary in nature. Till date, the appellant has not got his disability reassessed even to know if the said temporary disability no longer subsists or there is permanent disability to the injured. In the given circumstances, there is no scope for allowing additional compensation in respect of disability suffered by the victim. However, the appellant is awarded a sum of Rs.5,000/- for loss of income during the period of treatment and recovery and Rs.2,500/- for services of an attendant. The Additional amount of Rs.7,500/- shall carry interest at the rate of 7.5% per

annum from the date of petition till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

22.05.2019
Mohan Bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No