

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

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FAO-5741-2016 (O&M)
Date of Decision : 23.10.2019

Shivaji

.... Appellant

Versus

Vipul Sarkar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Amit Jain, Advocate
for the appellant.

Mr. Punit Jain, Advocate
for respondent No.3-Insurance Company.

RAMENDRA JAIN, J. (ORAL)

Vakalatnama filed on behalf of respondent No.3 is taken
on record. Be tagged at the appropriate place.

Through this appeal, the claimant has sought
enhancement of compensation, modifying the impugned Award
dated 04.11.2015 of the Motor Accident Claims Tribunal, Gurgaon
(for short-'the Tribunal').

Heard.

Considering the medical expenses of Rs.4,01,361/-
incurred by the appellant-claimant and his operation for three times
on account of fracture of his tibia and fibula right leg and removal of
I.M.Nail, after more than one month in application of external
fixature twice, his hospitalisation thrice at different intervals and
opinion of the doctor that appellant would take around eight months

in recovery, this Court is of the considered view that compensation of Rs.20,000/- awarded to the appellant towards pain and suffering is quite inadequate.

Considering over all facts and circumstances, the appellant is held entitled to a lump sum amount of Rs.50,000/-, more over and above the amount already awarded by the learned Tribunal, which includes interest component. Respondent No.3- Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within one month from today, 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 @ 15% per annum with quarterly rests after expiry of one month of passing of the date of this order.

The instant appeal stands disposed of, accordingly.

October 23, 2019
anju

(RAMENDRA JAIN)
JUDGE

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