

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

Sr. No.238

FAO-2519-2017

Date of decision: 22.02.2019

Milla Ram

....Appellant

versus

Mangat Ram and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Narender Kaajla, Advocate
for the appellant.

Mr. J.K. Sehrawat, Advocate
for respondents No.1 and 2.

Mr. Vinod Gupta, Advocate
for respondent No.3.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present appeal, the appellant/claimant seeks enhancement in the compensation awarded by the Motor Accident Claims Tribunal, Hisar (for short – the Tribunal).

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 06.10.2014, the appellant alongwith Chhaju Ram was going on his motorcycle and when they reached near Thermal Power Plant, in the area of Police Station, Barwala, a TATA Sumo bearing registration no. HR-62/4476 (for short – the offending vehicle) struck his motorcycle as a result of which he and Chhaju Ram fell down and received multiple injuries. A claim petition under Section 166 of the Motor Vehicles Act, 1988 was filed by the appellant seeking compensation on account of the injuries suffered by him in the aforesaid accident. The Tribunal concluded that the accident had been caused due

to rash and negligent driving of the offending vehicle and assessed the payable compensation, the enhancement of which is sought through the present appeal.

Learned counsel for the parties have been heard.

The claimant seeks enhancement in the awarded compensation for loss of income for a period that as he could not attend to his work as also towards special diet and attendant charges.

It is not disputed that in the aforesaid motor vehicular accident, the appellant suffered multiple fractures in his right leg and on account of such injuries, he remained hospitalized for 16 days and then incapacitated for about three months. Though the appellant claims himself to be an agriculturist, no proof of any land owned by him or taken on lease has been produced. However, taking the minimum wages applicable on the date of the accident which were about Rs.6,000/- per month, the appellant is granted a lump sum amount of Rs.20,000/- towards loss of income for the time that he remained incapacitated.

Towards pain and suffering, the appellant has been granted Rs.20,000/- which in the opinion of this Court is found to be inadequate for the reason that the appellant had suffered multiple fractures in his right leg leading to 10% disability. Admittedly, he was hospitalized for 16 days and remained incapacitated for about three months. Therefore, an amount of Rs.20,000/- granted by the Tribunal towards pain and suffering is enhanced to Rs.40,000/-.

In view of the above facts, the amount of Rs.6,000/- awarded towards special diet and attendant charges is also enhanced to Rs.10,000/- each.

No other point was urged.

On the enhanced amount, the appellant is also held entitled to interest @ 6.5% per annum from the date of filing of the claim petition by him before the Tribunal till the date of its realization.

The appeal is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

February 22, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No