

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

F.A.O No. 1013 of 2018

Date of decision:- 22.11.2019

Krishan

...Appellant

Versus

Ramesh & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.K. Rana, Advocate
for the appellant.

Mr. Akash Sridhar, Advocate
for respondent No. 3

RITU BAHRI J. (Oral)

The present appeal has been preferred by the injured/claimant-appellant (for short 'the appellant'), seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') to the tune of Rs.4,58,581/- along with interest @ 9 per cent per annum from the date of filing of the petition till realization of the amount, vide impugned award dated 07.04.2017.

FACTS NOT IN DISPUTE

As per claimants, on 07.03.2016, the appellant was going from village Bairsal to village Kheri Jattan via village Bhadson on the motorcycle bearing registration No. HR-05-T-1682 being driven by Suresh Kumar and the claimant was the pillion rider. When they reached near the temple of Guga Mari, then respondent No. 1 while driving his Mahindra Bolero bearing No. HR-05AP-0794 came from Karnal side and hit against the motorcycle of the claimant. He was taken to Cygnus Hospital, Kurukshetra..

F.I.R No. 114 dated 25.03.2016 under Sections 279/337 IPC was registered at P.S Indri.

COMPENSATION ASSESSED BY MACT

HEAD	COMPENSATION AMOUNT
Medical expenses	Rs.4,33,581/-
Pain and suffering	Rs.25,000/-
TOTAL COMPENSATION AWARDED:-	Rs.4,58,581/-

ARGUMENTS ADVANCED

The learned counsel for the appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhances.

RE-ASSESSED COMPENSATION

After hearing learned counsel for the appellant, the compensation is re-assessed as under:-

HEAD	COMPENSATION AMOUNT
Medical expenses	Rs.4,33,581/-
Pain and suffering	Rs.25,000/-
Transportation charges	Rs.10,000/-
Attendant Charges	Rs.5,000/-
Diet and nutrition	Rs.15,000/-
TOTAL COMPENSATION AWARDED:-	Rs.4,88,581/-
ENHANCED AMOUNT OF COMPENSATION	Rs.4,88,581-Rs.4,58,581=Rs.33,000/-

The enhanced amount of compensation of Rs.33,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellant shall also get interest @ 9 % per annum from the date of filing of the claim petition, in view of judgment of Hon'ble the Apex Court in *Civil Appeal No. 4528-2019 titled as Dara Singh @ Dhara Banjara vs. Shyam Singh Varma and ors, decided on*

01.05.2019 . The remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

November 22, 2019
G Arora

(***RITU BAHRI***)
JUDGE