

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

F.A.O. No. 5730 of 2017
DATE OF DECISION :- December 06, 2019

Ranjeet Singh

...Appellant

Versus

Suresh Pal and others

...Respondents

F.A.O. No. 5731 of 2017 (O&M)

Ranjeet Singh

...Appellant

Versus

Suresh Pal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Inderjeet Singh, Advocate for the appellant.

Mr. Lalit Garg, Advocate for respondent No. 3.

By this common order, I intend to dispose of two appeals i.e.
F.A.O. No. 5730 of 2017 titled 'Ranjeet Singh vs. Suresh Pal' and others and
F.A.O. No. 5731 of 2017 titled 'Ranjeet Singh vs. Suresh Pal' and others as
both these appeals have arisen out of the same Award.

Briefly stated the facts of the case are that on account of suffering

injuries in a motor vehicular accident which took place on 13.12.2014 at about 10.30 P.M. in the area of opposite ISGEC Factory Yamuna Nagar, on account of rash and negligent driving of tractor Trolley bearing registration No. HR-02H-4156 by Suresh Pal respondent No. 1, petitioner claimant Ranjeet Singh had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against respondents Suresh Pal-driver, Karam Singh-owner (since deceased) now represented by his LRs and National Insurance Company Limited, Yamuna Nagar-insurer of that tractor trolley, claiming compensation of Rs.10 lacs.

On being put to notice, all the three respondents appeared and contested the claim petition. Issues on merits were framed and the parties were afforded adequate opportunities to lead evidence.

On conclusion of trial, the Motor Accidents Claim Tribunal, Yamuna Nagar at Jagadhari vide Award dated 24.3.2017 accepted the claim petition and awarded compensation of Rs.1,72,000/- to the claimant as per following details :-

1.	Medical expenses	Rs.77,500/-
2.	Conveyance charges	Rs.3,000/-
3.	Special Diet and Special attendant	Rs.5,000/-
4.	Loss of earning	Rs.14,000/-
5.	Future loss of earning	Rs.25,000/-
6.	Pain and suffering & Operation	Rs.27,000/-
7.	Loss of amenities of life	Rs.10,000/-
8.	Future medical expenses	Rs.10,000/-
	Total	Rs.1,72,000/-

The petitioner claimant was not satisfied with the amount of compensation awarded to him by the Tribunal, as such has approached this

Court by way of filing an appeal, notice of which was given to the respondent-Insurance Company and it has put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

The Tribunal on analysis of the evidence adduced before it had granted a sum of Rs.77,500/- towards medical expenses. However, considering the fact that some time the Chemists do not issue bills of the medicines purchased and many a times such bills etc. get misplaced, such amount is enhanced to Rs.90,000/-. The injured claimant had remained hospitalized for about 12 years and thereafter got follow up treatment. He has undergone surgery also. The Tribunal has awarded a meager amount of Rs.3,000/- on account of conveyance charges to him which in my view considered view required enhancement. Therefore, the same is enhanced to Rs.15,000/-. The Tribunal has clubbed the two heads together that is of special diet and special attendant charges granting a sum of Rs.5,000/-. In my considered view, the claimant deserves to be granted compensation under different Heads and at adequate level. Therefore, for special diet a sum of Rs.15,000/- is awarded. Under the Head attendant another sum of Rs.15,000/- is awarded. The amount of Rs.14,000/- awarded for loss of earning due to hospitalization and inability to do work is also on the lower side, therefore, the same is increased to Rs.20,000/-. The petitioner claimant has suffered 10% permanent disability in the form of restriction in movement of right knee. The Tribunal has awarded a sum of Rs.25,000/- to

him for that disability. However, the Apex Court in judgment Master Mallikarjun vs. Divisional Manager, The National Insurance Company Limited and another 2013(4) R.C.R. (Civil), 295 has issued guidelines for award of compensation to a child who had suffered permanent disability in a motor vehicular accident as follows :-

- (i) For permanent disability upto 10% Rs.One Lakh.
- (ii) Disability above 10% and upto 30% Rs.3 lakhs.
- (iii) Disability upto 60% Rs.4 lakhs.
- (iv) Disability upto 90% Rs.5 lakhs.
- (v) Disability above 90% Rs. 6 lakhs.

In view of that the permanent disability upto 10% Rs.1 lac is to be awarded. Though it is stated that this judgment is with regard to a child who had suffered permanent disability to his entire body but even then the amount awarded is inadequate. The same is enhanced to Rs.50,000/-. The Tribunal has awarded a sum of Rs.27,500/- for pain and suffering. The same is enhanced to Rs.30,000/- and on account of loss of amenities of life a sum of Rs.10,000/- is awarded. The very fact that due to suffering injuries in the accident the petitioner claimant would not be able to walk, run and move around and lead life of a normal human being as he used to do earlier, this amount is inadequate and is enhanced to Rs.20,000/-. For loss of expectation of life another sum of Rs.10,000/- is awarded to the claimant. The Tribunal has awarded a sum of Rs.10,000/- to the claimant towards future medical expenses which I find to be adequate. Therefore, the total compensation amount comes out to Rs.2,75,000/-. The Tribunal has

awarded compensation of Rs.1,72,000/-. In that way, the additional amount of compensation comes out to Rs.1,03,000/-(2,75,000 – 1,72,000), which is awarded to the claimant. The liability to pay such compensation shall be joint and several for all the three respondents. The claimant shall be entitled to get interest on the additional amount of compensation at the rate of 7.5% per annum from the date of filing of the claim petition till actual realization.

With such modification, appeal bearing F.A.O. No. 5730 of 2017 is allowed partly.

With regard to appeal bearing F.A.O. No. 5731 of 2017 which is filed on account of suffering damage to the Car bearing registration No. HR-02W-6175 in which injured Ranjeet Singh was travelling at the relevant time, the Tribunal has dealt with this aspect in para No. 22 of the Award, granting compensation of Rs.55,000/-. I find that compensation awarded is fair and adequate and no scope is there for its enhancement. Therefore, appeal bearing F.A.O. No. 5731 of 2017 stands dismissed.

(H.S. MADAN)
JUDGE

December 06, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No