

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

FAO No. 7509 of 2017 (O&M)
Date of Decision: 17.7.2019

Rahul

...Appellant

Versus

Kapil and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the appellant.

Ms. M.S. Randhawa, Advocate,
for respondents No. 1 and 2.

Ms. Vandhna Malhotra, Advocate,
for respondents No.3.

JAISHREE THAKUR, J.

1. This appeal seeks to challenge the award dated 19.5.2017 passed by the Motor Accident Claims Tribunal, Narnaul, wherein the appellant herein has been allowed compensation of a sum of ₹50,994/- on account of the injuries suffered by him.

2. In brief, the facts are that in an accident that took place on 9.8.2015, the appellant herein suffered multiple and grievous injuries. Therefore, the appellant filed a claim petition, while stating that on account of rash and negligent driving of the tempo bearing registration No. HR-66-A-2440, he suffered grievous fracture in the accident. The Tribunal, after scrutiny of the evidence brought on record by the respective parties, awarded a sum of ₹50,994/-.

3. This appeal has been called twice but none has put in appearance on behalf of the appellant. Even on the last date of hearing none had put in appearance. Under the circumstances, this Court is left with no option but proceed to decide the appeal in the absence of the appellant.

4. Learned counsel appearing on behalf of the respondents submit that adequate amount of compensation has been awarded by the Tribunal to the appellant for the injuries suffered by him and no interference is called for by this Court in the instant appeal.

5. I have heard learned counsel for the respondents and perused the impugned award. The Tribunal, after appreciating the oral as well as documentary evidence brought on record, granted a sum of ₹14,994/- on account of the medical bills, ₹6,000/- on account of permanent disability, ₹10,000/- on account of pain and suffering, ₹5,000/- on account of nutrition diet and attendant charges, ₹10,000/- towards transportation and ₹5,000/- towards loss of income.

6. From a perusal of the award, it is clear that the Tribunal has awarded compensation under all the conventional heads. However, the

amount of compensation awarded on account of nutrition diet and attendant charges are inadequate and the same deserves to be enhanced. Therefore, a sum of ₹10,000/- is enhanced on account of nutrition diet and attendant charges, particularly in view of the fact that the appellant had suffered 3% permanent disability, as reflected in the impugned award.

7. Therefore, the award of the Tribunal is modified and the total compensation payable to the claimant shall be ₹ 60,994/- and the amount in excess over what was awarded will also attract interest @7.5% per annum from the date of the instant appeal till the date of payment. The right of recovery to the insurance company as granted by the Tribunal is upheld.

17.7.2019
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No