

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

FAO No.10407 of 2014 (O&M)

Date of decision: 08.11.2019

Gurcharan Singh

....Appellant

Versus

Raj Karan and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the appellant.

Mr. Dedepak Suri, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

CM No.28724-CII of 2014

For the reasons mentioned in the application, same is allowed and delay of 465 days in filing of the appeal is condoned.

FAO No.10407 of 2014

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as 'the Tribunal') vide award dated 27.02.2013, on account of injuries received by him in a motor vehicular accident which took place on 07.08.2009.

Brief facts of the case are that on 07.08.2009, claimant-appellant (Gurcharan Singh) was going on a motorcycle bearing No. HR-49-A-3591 to meet his nephew. When he reached near taxi stand, Pinjore, in the meantime, a truck bearing registration No. HR-58-5979 being driven by Raj Karan-respondent No.1 in a rash and negligent manner, came from

suffered multiple fractures on his body. With regard to the accident, FIR No.124 dated 08.08.2009, under Sections 279/337/427 IPC was registered at Police Station, Pinjore against respondent No.1. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle by its driver-respondent No.1 and thus, returned finding on issue no.1 in favour of the claimant. This finding was rightly given on the basis of deposition of claimant Gurcharan Singh (PW-1), who has suffered injuries in the accident. Claimant has also proved on record copy of FIR Ex.P1 The compensation was awarded by the Tribunal as under:-

Sr. No.	Heads	Amount
1.	Compensation on account of hospitalization and pain & sufferings.	Rs.10,000/-
2.	Special diet and transportation	Rs.10,000/-
3	Loss of basic amenities and enjoyment of life	Rs.20,000/-
	Total	Rs.40,000/-

Ultimately, the claimant was found entitled to a total compensation of Rs.40,000/- along with interest at the rate of 7.5% from the date of filing of the claim petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved. Parties are not in dispute with regard to finding given by the Tribunal on issue No.1 to the

effect that the accident had taken place on account of rash and negligent

driving of the offending vehicle by its driver. In the present case, accident had taken place on 07.08.2009. Claimant-appellant had remained admitted in General Hospital, Sector 6, Panchkula from 07.08.2009 to 20.08.2009 i.e. for 13 days. Accordingly, keeping in view the peculiar circumstances of the present case, compensation is hereby re-assessed, as under:-

Sr. No.	HEADS	AMOUNT (In Rs.)
(i)	Compensation for hospitalization	Rs.10,000/-
(ii)	Pain and sufferings	Rs.10,000/-
(iii)	Special diet	Rs.10,000/-
(iv)	Transportation	Rs.10,000/-
(v)	Loss of basic amenities and enjoyment of life	Rs.20,000/-
(vi)	TOTAL COMPENSATION AWARDED	Rs.60,000/-
(vii)	Enhanced amount of compensation	Rs.60,000 – 40,000 = Rs.20,000/-

The enhanced amount of compensation of **Rs.20,000/-** shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization in view of the judgment of Hon'ble the Supreme Court in the case of “**Dara Singh @ Dhara Banjara vs. Shyam Singh Varma and others**, Civil Appeal No.4528 of 2019 (arising out of SLP (C) No.5720 of 2019) (decided on 01.05.2019). Remaining conditions of disbursal of amount shall remain unaltered.

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

(RITU BAHRI)
JUDGE

08.11.2019
ajp