

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

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FAO No.4684 of 2015 (O&M)

Date of decision: 20.01.2020

BALWINDER KUMAR

... Appellant

Versus

SUKHBIR SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Navjinder Singh Sidhu, Advocate for the appellant.
Mr. RC Kapoor, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

CM No.14628-CII of 2015

Prayer in this application is for condonation of delay of 277 days in filing the appeal.

In view of averments made in the application supported by an affidavit of the appellant coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 277 days in filing the appeal is condoned subject to the condition that claimant shall forgo interest for the period of delay, in case compensation is enhanced.

Main Case

The injured is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 01.08.2011.

The Tribunal awarded Rs.1,08,699/-, detailed hereunder:-

Medicines and medical treatment	Rs.48,699/-
Conveyance and special diet	Rs.10,000/-
Loss of amenities of life and due to disability pain and sufferings	Rs.50,000/-

In pursuance of order dated 20.02.2018 passed by this Court, the Tribunal has sent the report and assessed additional compensation to the tune of Rs.1,51,200/- in respect of functional disability of 25%. In this manner, total compensation payable to the claimant comes to Rs.2,59,899/-.

The injured was 16 years old at the time of unfortunate occurrence and claim application has been filed through his brother Jatinder

Kumar. Functional disability suffered by him is 25%. When the case is examined in the light of judgment of Hon'ble the Supreme Court **Master Mallikarjun Vs. Divisional Manager, The National Insurance Co. Ltd. and another, 2013(4) RCR (Civil) 295**, the claimant is awarded Rs.3 lakh for pain and sufferings already undergone and to be suffered in future, mental and physical shock, hardship, inconvenience and discomfort etc. and loss of amenities in life on account of permanent disability. Compensation of Rs.50,000/- allowed in the award and Rs.1,51,200/- assessed as per report dated 26.07.2018 shall be adjusted out of Rs.3 lakh. Compensation in respect of medicines and medical treatment, conveyance and special diet allowed by the Tribunal is affirmed. The injured remained hospitalised for a period of 17 days. The claimant is awarded Rs.15,000/- for discomfort, inconvenience and loss of earnings to his parents during the period of hospitalisation.

Total compensation is Rs.3,73,699/- and additional amount is Rs.1,13,800/- (3,73,699 – 2,59,899), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 277 days in filing the appeal.

The appeal is partly allowed in the aforesaid terms.

20.01.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No