

FAO- 8927 of 2014 (O&M)
Date of Decision: 2.3.2020

Darshan Singh

---Appellant

versus

Harchand Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rajesh Kumar Kashyap, Advocate
for Mr. Rahul Rampal, Advocate
for the appellant
None for respondent No. 2
Mr. Harjinder Singh, Advocate,
for the insurance company

Rekha Mittal, J.
CM No. 24241-CII of 2014
Heard.

Allowed as prayed for.

Delay of 49 days in refiling the appeal stands condoned.

CM No. 24240-CII of 2014

Prayer in this application is for condoning delay of 253 days in filing the appeal.

In view of averments made in the application supported by affidavit of Darshan Singh-appellant coupled with that provisions of the Motor Vehicles Act for grant of compensation are benevolent social legislation to save the victim family from financial loss caused due to accident, the application is allowed, delay of 253 days in filing the appeal stands condoned subject, however, to the condition that in case the compensation is enhanced, the applicant-appellant shall not be entitle to interest for the period of delay.

Main case

The claimant is in appeal seeking enhancement of

compensation on account of injuries sustained in a motor vehicular accident that took place on 25.1.2004.

The Motor Accidents Claims Tribunal, Ludhiana (in short “the Tribunal”) awarded Rs.1,53,614/-, detailed hereunder:-

Medical treatment	Rs. 1,30,614/-
Attendant charges	Rs. 5000/-
Conveyance and special diet	Rs. 7000/-
Pain and suffering	Rs. 5000/-
Loss of income	Rs. 6000/-

Counsel for the appellant would argue that compensation allowed by the Tribunal is grossly inadequate and merits enhancement.

The Tribunal has allowed reimbursement of medical expenses based upon documentary evidence and the same is affirmed.

The claimant sustained fracture of ribs and clavicle. He got treatment as an indoor patient for a period of 12 days. Taking into consideration the aforesaid, the claimant is awarded additional compensation of Rs. 25,000/- for attendant charges, conveyance, special diet, pain and sufferings and loss of income during the period of treatment. The additional amount of Rs. 25,000/- shall carry interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 253 days in filing the appeal.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

2.3.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No