

**219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**FAO-3706-2001 (O&M)
Decided on : 14.07.2022

Baldev Singh

..... Appellant

Versus

Baldev Raj and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. H.K.Aurora, Advocate
for the appellant.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

The appellant-claimant is impugning the award dated 15.12.2000 passed by Motor Accident Claims Tribunal, Hoshiarpur (hereinafter called as 'the Tribunal') in a claim petition under Section 166 of Motor Vehicles Act wherein the following compensation was assessed and awarded to the appellant on account of injuries sustained by him in a motor vehicular accident on 07.06.1999:-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1	Pain and suffering	Rs.30,000/-
2	Medical bills	Rs.1,00,441/-
3	Transportation	Rs.5,000/-
4	Future medical expenses	Rs.20,000/-
	Total compensation	Rs.1,55,441/-

The amount of compensation along with interest @ 12% p.a. was ordered to be paid jointly and severally by the respondents.

Learned counsel for the injured-claimant submits that due to 30% permanent disability suffered by him in the accident in question, his future

professional prospects and also his quality of life had been adversely affected. Furthermore, the compensation awarded was grossly inadequate, which thus, deserved to be reassessed and modified accordingly.

The submissions made by learned counsel were opposed by the State counsel, who contended that the injured claimant had been granted adequate compensation by the Tribunal and while granting compensation, the Tribunal had taken care of his future medical expenses, medical bills and pain and suffering as well. He thus, prayed for dismissal of the appeal.

Heard learned counsel for the parties and perused the case file.

The injured-claimant was working as a Constable with Punjab Police at the time of accident. While stepping into the witness box as AW-11, the claimant deposed that he has not been declared medically unfit by the police department and that he is performing the same duties as he was performing prior to the accident in question. It was further admitted by him that he is getting regular increments and salary. Therefore, the claimant-injured is not entitled to any loss of future income.

However, Dr. S.S.Dardi-AW-7 categorically deposed that the injured-claimant would face difficulty in moving around without a stick. Being a constable in the police and with the disability suffered on account of the accident in question, it would surely pose difficulty for him in performing his duties and the quality of life too would be adversely affected. Therefore, this Court has no hesitation in holding that the compensation awarded by the Tribunal is on the lower side and deserves to be reassessed.

Accordingly, the compensation is reassessed and modified as follows:

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1	Medical bills	Rs.1,00,441/-
2	Attendant charges	Rs.30,000/-
3	Special diet	Rs.30,000/-
4	Transportation	Rs.10,000/-
5	Pain and suffering	Rs.1,00,000/-
6	Loss of amenities of life	Rs.50,000/-
7	Future medical expenses	Rs.20,000/-
	Total compensation	Rs.3,40,441/-

In the circumstances, the appellant-claimant is entitled to afore-detailed enhanced compensation of Rs.1,85,000/- (Rs.3,40,441-1,55,441) along with interest at the rate of 12% per annum from the date of filing of the claim petition till its actual realization.

With the above modifications, the instant appeal stands disposed of.

14.07.2022
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Whether reportable :

Yes/No

Yes/No