

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

306

FAO-4268-2002

Date of Decision: 06.09.2022

Rahul Gupta

..... Appellant

Versus

Pardeep Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr.G.S.Sawhney, Advocate
for the appellant.

Mr. Abhishek Goyal, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent No.3.

JAGMOHAN BANSAL, J. (Oral)

1. The appellant through instant appeal is seeking modification of award dated 03.04.2002 passed by the Motor Accident Claims Tribunal, Ludhiana (for short 'Tribunal') and further seeking enhancement of compensation awarded by Learned Tribunal.

2. The brief facts emerging from appeal and arguments of both sides are that the appellant on 02.07.1997 while driving his Maruti Car bearing registration No.DBA-6446 met with an accident with Swaraj Mazda Canter bearing registration No.HPA-6622 driven by Pardeep Kumar. In the accident, the appellant was injured and as per pleadings, he could not work for six months. The appellant filed application before learned Tribunal seeking compensation on

account of aforesaid accident. Learned Tribunal vide order dated 03.04.2002 awarded a sum of Rs.44,700/- towards compensation.

3. The aforesaid amount has been awarded under the following heads :-

1	For actual expenses incurred on treatment	Rs.16194/-
2	Expenses on special diet	Rs.4,000/-
3	Expenses on engaging driver for 3 months	Rs.4500/-
4	Compensation for loss of wages for 3 months being bed ridden	Rs.15,000/-
5	For pain and suffering and loss of enjoyment of life	-

4. Learned Tribunal has determined salary of driver Rs.1500/- per month and on being pointed out both the counsels conceded that it may be increased to Rs.2,000/- per month.

5. Under heading 'compensation for loss of wages', learned Tribunal has awarded claim for three months whereas appellant before learned Tribunal and this Court is claiming that he could not work for six months. Learned counsel for the respondents expressed his inability to controvert aforesaid contention and accordingly compensation is fixed for six months which come to Rs.30,000/- instead of Rs.15,000/-.

Under heading 'pain and suffering and loss of consortium', learned Tribunal has determined a sum of Rs.5,000/- which seems to be meagre amount especially in view of the fact that appellant could not work for six months. The aforesaid amount is increased to Rs.30,000/-.

6. Accordingly the respondent is directed to pay additional

sum of Rs.41,500 along with interest as awarded by learned Tribunal.

7. The respondent is directed to make payment within a period of two months from today.
8. The appeal is disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

06.09.2022
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>