

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

FAO No. 3811 of 2013 (O&M)

Date of Decision:14.9.2022

Ratanpal

---Appellant

versus

Parmal and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Shokeen S.Verma, Advocate
for the appellant

Mr. Ramender Chauhan, Advocate
for respondent No. 1

Mr. V. Ramswaroop, Advocate
for respondent No.2-insurance company

JAGMOHAN BANSAL, J. (ORAL)

1. The appellant through instant appeal is seeking enhancement of compensation awarded vide award dated 8.4.2013 passed by the Motor Accident Claims Tribunal, Bhiwani (for short "Tribunal").

2. The brief facts emerging from record and arguments of both sides are that on 28.5.2011, the appellant-claimant was going on motorcycle bearing registration No. HR-16H/2805 from Bhiwani to village Nandgaon. Motorcycle was driven by his brother Naterpal. A three wheeler bearing registration No.HR-61A/1275 driven by respondent No. 1 struck against the motorcycle of appellant. The leg of appellant entangled in the three wheeler, resultantly, got seriously

injured. The appellant was initially admitted in CMC Hospital, Hisar from where he was taken away to Sir Ganga Ram Hospital, New Delhi. A DDR No. 24-A dated 28.5.2011 was recorded at P.S. Rajender Nagar, New Delhi. FIR No. 435 dated 29.9.2011 was registered against respondent No. 1 at P.S. Sadar Bhiwani.

The appellant preferred claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short “1988 Act”) claiming compensation on account of injuries suffered in the aforesaid accident. The Tribunal vide award dated 8.4.2013 decided all the issues in favour of appellant and under different headings, determined amount of compensation as below:-

<i>Under head</i>	<i>Amount of compensation in Rs.</i>
Medical bills and treatment charges	2,31,587/-
Future loss of income on account of 80% disability	6,52,800/-
Costs of transportation, special diet and attendant	50,000/-
Loss of future amenities of life	1,00,000/-
Pain and sufferings	50,000/-
Total	10,84,387/-

3. Learned counsel for the appellant contended that appellant-claimant has suffered 80% permanent disability on account of amputation of mid-thigh right with superficial and deep complications. The appellant at the time of accident was 19 years old and student of B.Sc. first year. There is loss of future prospects, loss of prospects of marriage, loss of future amenities and enjoyment of life. The appellant is virtually dependent and till date incurring expenses on treatment.

4. Per contra, learned counsel for the respondents though did not concede yet submitted that appellant is entitled to compensation on account of loss of future prospects of marriage and is suffering from 80% disability, thus, amount of compensation may be re-determined as think just and appropriate by this Court.

5. I have perused the record and heard arguments of both sides.

6. Admittedly, the appellant is suffering from 80% disability and he remained admitted in different hospitals for 36 days. The period of admission is not a small period. It indicates that appellant had suffered mental as well physical pain and agony. Learned Tribunal has failed to grant compensation under heading future prospects. The appellant was just 19 years old and on account of 80% disability, his future prospects of marriage are substantially affected. Keeping in view nature of injuries i.e. 80% permanent disability, a long admission in hospital and age of appellant, I order to pay compensation under different headings as below:-

<i>Under head</i>	<i>Amount of compensation in Rs.</i>
Medical bills and treatment charges	2,31,587/-
Future loss of income on account of 80% disability	8,00,000/-
Costs of transportation, special diet and attendant	50,000/-
Loss of future prospects/amenities in life	2,00,000/-
Pain and sufferings	1,00,000/-
Loss of prospects of marriage	2,00,000/-
Total	15,81,587/-

7. The Tribunal has awarded interest @ 6% p.a. whereas in

view of judgments of Hon'ble Supreme Court in **National Insurance Company vs. Pranay Sethi and others 2017 (16) SCC 680** and **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (6) SCC 121**, the rate of interest should be 7.5%. Accordingly, I order to enhance the rate of interest from 6% p.a. to 7.5% p.a. It is made clear that amount already paid would be deducted from claim determined hereinabove.

The respondents are directed to make payment within eight weeks from today.

Appeal stands partly allowed in the aforesaid terms.

Pending miscellaneous applications, if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

14.9.2022
PARAMJIT

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes/No