

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

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**FAO No.1720 of 2015 (O&M)
Date of Decision: 24.11.2022**

Chamkaur Singh

...Appellant

Versus

Manpreet Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Dhirinder Chopra, Advocate
for the appellant.

Service of notices upon respondents No.1 & 2
dispensed with vide the order dated 27.09.2019.

Mr. Rajbir Singh, Advocate
for respondent No.3-Insurance Company.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved and dissatisfied with the Award passed by learned Motor Accident Claims Tribunal, Moga (for short 'the Tribunal') on 19.11.2014, whereby the appellant-claimant (here-in-after to be referred as 'the claimant') was awarded compensation to the tune of Rs.1,05,135/- on account of the injuries sustained by him in a motor vehicular accident, he (claimant) has preferred the instant appeal for seeking the enhancement in the amount of compensation.

2. As per the brief factual-matrix culminating in the filing of the present appeal, the claimant filed a petition against the respondents being the respective driver, owner and insurer of the Truck bearing registration

No.PB-04P-7225, for seeking compensation of Rs.05 (five) lac, while averring that respondent No.1 had driven the said Truck in a rash and negligent manner and had collided the same with his Motorcycle bearing registration No.PB-69A-3732 and he had sustained multiple injuries in the said accident.

3. I have heard learned counsel for the claimant as well as learned counsel for respondent No.3-Insurance Company in the instant appeal and have also perused the file carefully.

4. Learned counsel for the claimant contends that the amount of compensation, as awarded to the claimant vide the impugned Award, is inadequate because he (claimant) has not been awarded any compensation on the scores of 'Special Diet' and 'Attendant's Charges' despite the fact that he had remained hospitalized during the period from 04.11.2011 to 13.11.2011 due to the injuries suffered by him in the afore-said accident.

5. A perusal of the impugned Award reveals that in Para No.16 therein, it has been mentioned that PW-2 Dr. Rajiv Gupta had deposed that the claimant was admitted in the hospital on 04.11.2011 and he had been discharged on 13.11.2011. However, it is pertinent to mention here that while assessing the amount of compensation, payable to the claimant, as detailed in Para No.22 in the said Award, the Tribunal did not grant any compensation towards the expenses incurred by the claimant on his special diet and for availing the services of the attendant. In these circumstances, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if the claimant is

awarded an amount of Rs.20,000/- as compensation on both the above-mentioned counts.

6. As a sequel to the fore-going discussion, the appeal in hand is allowed to the effect that the appellant-claimant is hereby awarded a sum of Rs.20,000/- as compensation, over and above the amount of compensation, as already awarded to him by the Tribunal vide the impugned Award and the said enhanced amount shall carry the interest @ 7.5% Per Annum from the date of the filing of the claim petition till its actual realization.

24.11.2022

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*