

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

1. FAO No.6098 of 2014 (O&M)

Bittu

... Appellant

Versus

Sant Singh & others

... Respondents

2. FAO No.6100 of 2014 (O&M)

Ram Saran

... Appellant

Versus

Sant Singh & others

... Respondents

Date of decision: 28th October, 2022

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravinder S. Budhwar, Advocate for the appellants.

Mr. J.S. Kundu, Advocate for respondent No.2.

Mr. Pardeep Kumar, Advocate for respondent No.3.

MANJARI NEHRU KAUL, J.

FAO No.6098 of 2014 has been preferred by injured claimant Bittu whereas FAO No.6100 of 2014 has been filed by injured claimant Ram Saran, challenging the common Award dated 07.04.2014 passed by the learned Motor Accident Claims Tribunal, Karnal, whereby compensation had been awarded on account of the injuries sustained by them in a motor vehicular accident which took place on 18.05.2011.

Since both the instant appeals pertain to the same accident and arise out of the common Award passed by the learned Tribunal, they are being taken up together for disposal by way of this common judgment.

The Tribunal granted the following compensation to injured claimant Bittu:

Sr. No.	Head	Amount
1.	Medical expenses	₹ 73,715/-
2.	Pain & Sufferings	₹ 5,000/-
3.	Transportation	₹ 5,000/-
4.	Nutritious diet	₹ 4,000/-
5.	Attendant Charges	₹ 4,000/-
	Total	₹ 91,751/-

Claimant Ram Saran was granted the following compensation vide impugned award:

Sr. No.	Head	Amount
1.	Medical expenses	₹ 54,900/-
2.	Pain & Sufferings	₹ 5,000/-
3.	Permanent disability	₹ 4,26,600/-
4.	Transportation	₹ 5,000/-
5.	Nutritious diet	₹ 4,000/-
6.	Attendant Charges	₹ 4,000/-
	Total	₹ 4,99,500/-

The driver, owner of the offending vehicle as well as the insurance company were held jointly and severally liable to pay the amount of compensation along with interest at the rate of 12% per

annum, from the date of filing the claim petitions till realization of the amount.

Learned counsel for the appellants submits that the amount of compensation awarded in the case of appellant claimant Ram Saran is meagre and is not in consonance with the settled principles of law and hence deserves to be enhanced. He further submits that the Tribunal while passing the impugned Award fell into an error in not granting an addition of future prospects, under the head of loss of income. Learned counsel also submits that the right leg of the appellant was amputated, still the Tribunal failed to adequately compensate him on account of pain and sufferings; loss of marriage prospects and loss of amenities of life etc.

In the case of appellant claimant Bittu, learned counsel submits that the compensation awarded to him also requires to be enhanced as the Tribunal had failed to appreciate that he was a young boy of 17 years on the date of accident in question. On account of the injuries sustained, he had suffered fracture of his right leg for which he had to undergo two surgeries as well. While drawing the attention of this Court to the compensation awarded, learned counsel submits that the same thus be accordingly enhanced as it was not in consonance with the settled law.

Learned counsel for the respondent/insurance company has however, strongly opposed the submissions made by the counsel opposite, by urging that both the appellants had been adequately compensated vide the impugned award and hence no interference was warranted in the impugned award. He submits that appellant Bittu had received just simple injuries and it was a matter of record that he had not even suffered any disability on account of the injuries sustained in the accident in question.

I have heard learned counsel for the parties and perused the relevant material on record.

This Court concurs with the submissions made by learned counsel for the appellants in the case of claimant Ram Saran that he has not been adequately compensated. Since he was an 18 years old boy, the Tribunal has erred in not granting any addition towards future prospects while computing his loss of earnings. Still further, in view of the amputation of leg of the appellant Ram Saran, resulting in 79% permanent disability (39.5% disability with respect to whole body), he requires to be adequately compensated for not only loss of marriage prospects and amenities of life, but also under the head of pain and sufferings etc. Accordingly, the compensation awarded to appellant Ram Saran requires to be reassessed and modified as follows:

Sr. No.	Head	Amount
1.	Medical expenses	₹ 54,900/-
2.	Pain & Sufferings	₹ 30,000/-
3.	Loss of marriage prospects	₹ 3,50,000/-

4.	Permanent disability/ Loss of future earnings (5,000 x 12 x 39.5% x 40% x 18)	₹ 5,97,240/-
5.	Transportation	₹ 10,000/-
6.	Nutritious diet	₹ 4,000/-
7.	Attendant Charges	₹ 10,000/-
	Total	₹ 10,56,140/-

The claimant Ram Saran is, therefore, held entitled to a total sum of ₹ 10,56,140/- as compensation along with interest @ 12 % per annum as awarded by the Tribunal, from the date of filing of claim petition till its actual realization.

Coming to the submissions made by the learned counsel for the appellants in the case of appellant claimant Bittu qua he not having been adequately compensated, this Court does not find any merit in his submissions as admittedly injured Bittu did not suffer any disability, temporary or permanent, on account of the injuries suffered. In the circumstances, the compensation awarded to the appellant Bittu is adequate and does not warrant any interference by this Court.

As a sequel to the above discussions, the appeal preferred by appellant claimant Bittu (FAO-6098-2014) is hereby dismissed and the appeal of appellant claimant Ram Saran (FAO-6100-2014) stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

October 28, 2022
rps

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